











To Very dear

Frances White

with the abiding love of the author

Rosetalia Drex

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THE JUDGE IS A

CRACK SUCKER





Out of the far West the torch of woman's emancipation comes blazing its way and lighting the dark corners. In its wake there is legislation which gives to men and women the same legal status, whether constituting a right, or privilege, or claim, the protection or defense of the party.

There is no subject of such vital import to every man and woman as the law of the State where he or she dwells and of legislation as it improves conditions in neighboring States and the nation—yet there is no subject upon which there is such general lack of information. The school boy bids farewell to his Alma Mater with what is deemed a completed education yet without the first idea of contracts, their making and breaking, or the number of years, under the Statue of Limitations of his State, when an action to enforce or protect his rights may be maintained. The girl leaves her school well trained in music, art, literature, but with no information of existing laws which are advantageous or prejudicial to her interests, or the obligation devolving upon her to know the laws of other States, especially where they better the condition of women. She is entirely unaware of the laws needed for the protection of working women and taxpayers, for destitute mothers and orphans, for sanitation and morality—and all of these things she should know either as the enfranchised citizen or the to-be enfranchised citizen, since it is for the courts to say what the law is, not what it should be.

The conflict of laws between the States increases the ambiguity of woman's legal status in this country. In Colorado a woman has about all of the rights and privileges accorded men, except jury duty, while in Louisiana, married women have a standing in courts in civil actions only when authorized by their husbands, being in the purview of the law veritable rimless ciphers. In one State there is no controversy as to a woman's right to



contract, in another she cannot be held for her contractual obligations. In one State a man may whip his wife and be within the bounds of his legal rights, while in another State the chastisement would be valid ground for divorce. There is full agreement in all of the States on just one phase of the law—women are not excluded or exempt from full penalty for violation of any of the criminal Statutes.

By study and comparison of the laws of the several States in their relation to women may be evolved such legislative measures as will tend to establish a fair legal status for women, which would mean a government of the people, for the people and by the people, along with the concession that women are "people."

The power is vested in the Legislatures of the several States to make, ordain and establish all manner of laws, statutes and ordinances not repugnant to the Constitution and deemed for the best good and interest of the Commonwealth. It is by and through these law making bodies women must establish their protective and defensive measures and these measures should be so fair, sane and equitable as to command universal respect and confidence.

Careful and intelligent progress by women in the shaping of such new laws as are intended to equalize their status with the male citizen will best demonstrate their right to citizenship with its resultant obligations and duties, for in the multiplicity of laws now cluttering our statute books a few more, unless direct, forceful and valid, will but add to the confusion and defeat their purpose. It may be well to recall the fact that in 1913 more than two thousand bills were introduced in the Wisconsin legislature, of which eight hundred and twenty three were passed. The law making bodies of other States stagger session after session, under equally heavy burdens. Wherefore it would seem that a Bureau of Legislation, with women fairly represented, to which all bills would have to be submitted for approval before introduction.

would be a good move to prevent the duplication of bills with the same end.

While in many of the States a woman is permitted separate property rights and the joint guardianship of her children, the national government regulates citizenship according to the fealty of the husband. The American woman who weds a foreign husband, although they live in this country afterward, has no citizenship here unless the husband applies for naturalization and does become a naturalized American citizen. The wife has no power to regulate her status of citizenship. The Act of March 2, 1907, Provides:

"Sec. 3: That any American woman who marries a foreigner shall take the nationality of her husband. At the termination of the marital relation she may resume her American citizenship, if abroad by registering as an American citizen within one year, with a Consul of the United States, or, if residing in the United States at the termination of the marital relation, by continuing to reside therein.

Sec. 4: That any foreign woman who acquires American citizenship by marriage with an American shall be assumed to retain the same after the termination of the marital relation if she continues to reside in the United States unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens, or, if she resides abroad she may retain her citizenship by registering as such before a United States Consul one year after the termination of the marital relation."

Much individual hardship must result from the inability of a woman to declare her citizenship regardless of her husband. The late Inez Millholland Boissevein is a case in point. The intensely patriotic young American woman married a Belgian and at the end of a brief honeymoon they returned to this country to live but she was

no longer an American citizen and had lost not only her citizenship but her right to practice law. She would have made any kind of declaration, taken any oath which would have affirmed her loyalty to her native land, but she was entirely helpless to change her status by any act of her own. She immediately plunged into work for American women going from coast to coast on a trying campaign, literally giving her life for her sister women, yet unable to say "I am an American citizen." This country has produced few men with minds more brilliant than this wonderful super-woman possessed and there will never live any man with a finer conception of real citizenship and its duties, yet she was without the right to assert or maintain citizenship other than that established by the marital relation.

The Sections of the Federal Statute quoted above would seem to be but carrying out the contemplation of the law that the husband and wife are one person, giving the husband sole power and authority over the acts of his wife, the merger having submerged the personality of the wife in the personality of the husband.

Even the most superficial examination of the Common Law, the Roman Law and the statutes of the several States of this country, except those States where by legislation in recent years a separate and individual legal status has been given wives, shows the complete guardianship of the wife is recognized in the coverture of the husband. This is but following the trend of Justice Blackstone's opinion: "The very being or legal existence of the wife is suspended during marriage, or, at least is incorporated and consolidated into that of the husband." Certainly in the statute regulating citizenship Blackstone's opinion is held. The domicile of the husband is the domicile of the wife. The American born woman who marries the subject or citizen of another country becomes at once merged in the citizenship of her foreign husband and

though she leave her husband and reside on American soil, so long as the marriage exists she is the subject or citizen of the country of her spouse.

An important Code of Laws is known to have existed in the early days of Babylon, about 2250 B. C. This Code was inscribed on a monument set up in a conspicuous and central place and when a citizen felt aggrieved he went out and looked up the law for himself. Even in that ancient day there was discrimination against women. The husband was the master of his wife as of his slave and he could pledge her for the security of debt on an agreement much like our chattel mortgage. The husband could repudiate his wife at will, he could change her with as much facility as a man may change his stenographer or clerk nowadays, but if a woman repudiated her husband she was condemned to pay the extreme penalty of the law—a very violent extreme it was, too, for the description declares it to have been “impaling on a stake.” Hence, with customs established so long (since when the mind of man runneth not to the contrary), giving legal advantages to men, it is not strange that changes must be accomplished by the only road round, the franchise, as the one safe road home to Justice. That the franchise has bettered conditions for women is shown by the amendments to statutes, since the suffrage amendment, in the States where women now vote. There are better laws for the protection of women and minors, pensions for destitute mothers, labor laws which defend the potential mothers and the children who must work to live. Gov. Carlson, of Colorado, has declared: “One of Colorado’s greatest assets is her voting population which consists of intelligent women as well as men. In all reforms the women have taken an active part and important movements have often had their inception in small gatherings of public spirited women who were willing and able to give time to forwarding questions which at first sight men may



have deemed unimportant. The principle of equal suffrage rests upon simple justice. In a democracy where the people rule it is unfair that only half of the people should have a voice in the affairs of government and the other half of the people should be forced to make use of a spokesman or remain silent." And John M. Parker, the man of whom Louisiana is so justly proud as her citizen whose career in State and national politics is without blemish or reproach, who carried the banner of the Progressive Party as Vice-Presidential nominee in 1916, and who is known and loved from side to side of his native State, gave to the writer the following story as a tribute to the influence of women:

"My fondness for fishing and hunting has made me many friends among those leading the simple life and living close to nature. Their judgment is clearer and better than those contaminated by commercial and political strife.

One day, sitting on a log eating lunch, one of those grizzled farmer friends, a splendid man, said: 'John, this woman suffrage business has made me do a lot of tall thinking. Nine times in ten my wife would vote with me—and the tenth time *she* would be right.' "Woman's sense of right and wrong," concludes, Mr. Parker, "is much better than man's, her sense of perfect justice much sounder."

It appears that whether it be to know how and when citizenship may be acquired or lost, the legislation pertaining to property rights or personal obligations, the woman citizen, fighting for an equal place with her brother, needs to be informed in the law. Blackstone said: "It is undeniable that a competent knowledge of the law of the society in which we live is the proper accomplishment of every gentleman and scholar." Cicero gives us the information that even the boys of Rome were made to learn the Twelve Tables as a *carmen neccessarium*. Today every

woman should know at least the outline of laws which affect her.

From the legal point of view the inferior position occupied by women has been gradually changing and is a reflection of that civilization which has been developing through hundreds of years. There remains much, however, in certain States of our glorious "land of the free" to be changed and cured if we may justly claim to have turned all of the pages of prejudice and tradition inherited from barbaric times. Some idea of the progress made by women in the past few decades may be gained by comparing the status of women today with that shown by the recently evoked Statute of the time of Edward III, under which Sir Roger Casement was indicted for High Treason, and which declared Petty Treason to be "lack of faith to a subject as when a vassal slays his lord, a priest his bishop or a wife her husband." Some three hundred years later women were deemed of slightly less inferior position for when Queen Mary, the Consort of William III, passed on to that reward which is promised even to crowned heads, her body was accompanied from Whitehall to Westminster Abbey by all of the Justices and Serjeants of Law attired in black silk gowns as mourning garb. The black silk gown has continued to be worn by Justices in England and elsewhere, coming to be an insignia of the high office, and it is pleasant to remember it was first worn in honor of a woman, even though a dead woman.

In the United States the legal status of women grows yearly nearer the perfection of freedom and equality which might be expected under our Constitution. The woman is a citizen. She does her part in the nation. She is taxed and pays. She is represented in every profession, trade and calling. She has equal education and nearly equal commercial opportunity and responsibility—in the far West where she has been weighed in the scale with equal civil rights she has not been found wanting.

## CHILD LABOR.

On September 1st, 1916, President Woodrow Wilson signed the Federal Child Labor Bill, the first effort of the national government to protect children in this country from labor conditions which had been a growing menace to the citizens of tomorrow because of the greed of their taskmasters. The Bill must stand as an everlasting monument to the better element in the nature of law makers; it is the answer to the plea of the mothers of the land for child protection. It cannot, unfortunately, be retroactive, and there stands as a living reproach an army of crippled and maimed, of mental defectives and weazened incompetents, the product of child slavery. It is the plain duty of every State, and of the Federal government, to reach out a protective arm to the overworked, under fed army of infants whose puny frames and untutored minds wait helplessly for legal aid. No matter whether the sentiment which forces child protection be the result of sympathy for the child, consideration for the welfare of the nation or aversion to the money-mad taskmasters, the result is one hundred per cent good. Judge Bissell, quoting in a decision handed down in the 155 N. Y. Supp. p. 577, said: "The Puritans hated bear-baiting, not because it gave pain to the bears, but because it gave pleasure to the spectators." Nevertheless protection given to the bears by the Puritans was good—for the bears.

The general provisions of the Federal Child Labor Bill are:

No producer, manufacturer, or dealer shall ship in interstate or foreign commerce any article or commodity, the product of any mine or quarry situated in the United States, in which within thirty days prior to the time of removal children under the age of sixteen years have been permitted to work, or any article or commodity the product of any mill, cannery, workshop or factory in the United

States in which within thirty days prior to the removal of such product children under the age of fourteen years have been permitted to work, or, where children between fourteen and sixteen years have been permitted to work for more than eight hours in any day, more than six days in a week, after the hours of seven in the evening or before six o'clock in the morning.

Twenty eight States allow minors to work more than eight hours a day in mercantile and other establishments, and nineteen of the twenty eight States which make some effort at labor regulation permits minors to work at night. Husky men have declared their protection by labor unions, men of full stature, strength and mentality, while infants, with no option but to obey, have not the legal defensive measures between them and their taskmasters to which their helplessness and their importance as future citizens entitles them. Twenty eight States have half-hearted prohibition of street work by children, but twenty of the States make not even a pretence of forbidding children to loiter on public highways as mendicants and beggars, as rope walkers to please gaping crowds of the curious, or the doing of other penny producing stunts. Twenty two States do not require a medical examination of the children before granting work permits, and so puny minors get into the harness of factory or mill or workshop, and if they survive to maturity their growth is stunted, they are narrow chested and weazened and as future mothers and fathers they are the feeders of institutions for feeble minded and mentally defective, for penal institutions and the charity wards of hospitals. Thirty two of the States have educational requirements for work certificates lower than the fifth grade, and so children, barred by long hours of work from the full education which would make them good citizens, get wrong ideas of political and economic questions; they go to swell the ranks of the anarchists, the milk of human kindness which feeds brotherly love dries



in their being and when led by criminals, or in stupid blundering, they break the law, that same power which did not protect their youth and give them the chance of freedom and opportunity, lays its heavy hand on them and exacts the full penalty.

Between July 1st and December 1st, 1916, the Industrial Commission of New York found 694 children under fourteen years of age working in factories and mercantile establishments and tenement apartment shops in one District of the City of New York. The inspectors found 769 children working without the legally required certificates from the Board of Health, 210 children were working longer hours than permitted under the labor law, and it was found that in one District 727 women were working longer than fifty four hours in a week. Many arrests and convictions were had and probably that particular District will keep within the law for some time, but investigation showed a condition which exists broadcast, and the owners of mercantile establishments, factories and workshops, must be educated up to spending more time obeying, less time in evading the law, more time to sanitary and social betterment in their workrooms, less time in the observance of their favorite commandment "Thou shalt not be found out." The Autocracy of Greed goes on and the souls and bodies of women and children are weighed in the scale against perishable fruit and vegetables, war prices and changing styles which leave a smaller margin of profit to the manufacturer. The firm or corporation or individual which undermines the health of employees or sends their souls along the pitfalls of Poverty's Highway to Kingdom Come, commits a felony in the sight of high Heaven and it would be just as well to commence the punishing by man-made laws while civilization goes marching on.

The scourge of war has shown the nation the need of better protection for the citizens of tomorrow and the day

is dawning when the children of this land will be given the broadest paternal care by the government; they will be treated humanely, their strength and health will be conserved and their education made compulsory. The last ounce of physical endurance will not be wrung from women and children that a subsistence may be had while the result of their labor goes to put frills on stock dividends. Work-shops will have to be safe and sanitary, workers will have to be physically fit and the whole army of women and children who must work to live will be surrounded by governmental protection.

In 1898 the Supreme Court of Illinois declared invalid a Statute which limited the work of women in factories to ten hours a day, declaring there was "no fair and just and reasonable connection" between it and the "public health, safety and welfare." Yet it was this same State which in 1909 again enacted a ten hour labor law and the Supreme Court of Illinois, in a most humane enveloping opinion, acknowledged the relation of the Act and the public health, safety and welfare of the people, the organ of the court declaring: "What we know as men we cannot profess to be ignorant of as judges." A ruling of the Supreme Court of Oregon on the labor law said: "As healthy mothers are essential to vigorous offspring the physical well being of women becomes the object of public interest and care in order to preserve the strength and vigor of the race. The limitations which the Statute imposes upon her right to agree with her employer as to the time when she shall labor are not imposed solely for her benefit but for the benefit of all." In mid-April 1917 the test case which had been carried from Oregon to the United States Supreme Court, affecting the constitutionality of the enactment to enforce a minimum wage law for women, was passed upon. The court of the nation's last resort decided in favor of the minimum wage law. Eleven States where similar legislation had been passed waited upon the decision of

the United States Supreme Court to determine the constitutionality of minimum wage laws, and with this decision on the case from Oregon the splendid protective and defensive measure for the women of today and the children of tomorrow is finally sustained.

There are five thousand children working in the beet fields of Colorado, there are sixteen thousand children in the agricultural fields of Iowa, and on the farms and cotton plantations of North Carolina there were one hundred and twenty thousand children laboring in 1916. When such numbers of minors are engaged in one line of effort alone it is indicative of the serious need of governmental protection to preclude practical enslavement, for the consideration by capital of the margin of profit from labor creates a strange obliquity of vision, the age and weakness of the employee is blurred in the columns of figures which represent Producing Labor and Minimum Cost.

Public conscience is rapidly awakening to the right of children to legal protection from work in places dangerous to life, limbs and morals, from too long hours and too little remuneration.

Georgia has enacted a measure declaring "No boss in any factory shall inflict corporal punishment on minor laborers" and "Children under twelve years of age shall not be sold, apprenticed, given away or hired out for rope or wire walking, acrobats, etc." It is presumed the children of Georgia will be properly impressed with so great a concession! Louisiana passed a compulsory education law in 1914 being forced to this step by her record of the highest rate of illiteracy in the United States. Most of the States have passed laws prohibiting minors from working in places dangerous to life, limbs and morals, and such laws are useful and salutary and not obnoxious or inconsistent with any principle of humane consideration or legitimate commercial ambition. They are provisions of law capable of being executed in accordance with the

legislative intent and they constitute a heritage of physical and mental well being for the citizens of tomorrow.

Truly the best thought of a generation is perpetuated by a reform.

### THE MOTHER'S PENSION.

It required much investigation of statistics showing the amount required to maintain destitute orphans in public institutions before the law making solons viewed kindly the proposition to give the money appropriated for such purpose to mothers so that the children might remain in their homes. Of course there were instances of private purses being hung by the handle of political pull to public coffers and the Oliver Twist's who dared to be hungry and ask for "more," to complain if the soup was made without meat, the bread was not buttered and weak tea knew not the luxury of sweetening, were plainly incorrigible and their wailing but brought punishment, a new coat of white-wash for the institutional feeding trough, perhaps a change of handle for the purse, until Judge Henry Niel's effort brought about the first Mother's Pension in Illinois. The public generally is bored by pictures of helpless poverty and turns to pleasanter things, so that orphans without estates to guard were easily lost in the shuffle of affairs. The church with the strongest following secured the largest amount of appropriation and the greatest number of charges for the institutions teaching their particular creed, in violation often even of constitutional prohibition on the use of public money, in private, sectarian schools or asylums. Children were consigned by courts to institutions without regard for their religious belief and the iron clad rule of worship in the institutional home had to be conformed to though many times it was like making a round peg fit in a square hole. Thus in States where the taxpayer's money is appropriated to institutions instead of to the many things may be, and are considered before



the hearts, souls, developing characters and physical needs of the children.

It has been shown that it costs seventy six per cent of the amounts appropriated to institutions for the care of children to administer the donation. Salaries, salaries everywhere, while the orphans are in uniforms, brow beaten, underfed, treated in bunches, numbered and tagged, filed in their proper compartments from a to z; then, with all spirit and pride, human emotion and ambition well pressed out, each in turn at maturity comes to the great outside not understanding and not understood. The spirit of initiative, the backbone of independence and the germ of originality never grew or thrived in an institution with the label of charity on its machinery. There are good mothers, bad mothers and indifferent mothers, but there is but one brand of institutional mother created in charitable dispensaries and she is the heartless, soulless, fictional mother, with no soul to save and no heart to respond, the embodiment of a system.

It has taken centuries of civilization to bring appreciation of the obligation of the government to children. In the mad race for place and power and position creation was too prone to overlook those who could be kicked out of the way. There was a time in England when children were not provided with free education in any form, when children of the poor were sold into service, apprenticed under rules which spelt absolute bondage, and if convicted of stealing, regardless of tender years, they were condemned to the extreme penalty and publicly hanged by the neck until dead. It is a matter of history that in this country less than a hundred years ago, in 1829 in fact, there was an uprising of citizens in Philadelphia, the City of Brotherly Love, to resist the establishment of free public schools, the people declaring it unfair that a man should be taxed for the education of the children of his neighbor. It was even argued from public rostrums

that the proposed schools at public expense would demoralize the community and that men would grow lazy if not called on to work in order to pay for the education of their offspring, thus the high standards of vigorous citizenship would be undermined. But a reasoning people, after a hundred years contemplation of broadening legislation for the benefit of children finds that child poverty is the chief cause of mental defectives, delinquents and criminals and the most expensive waste which the taxpayer supports.

It was Illinois which enacted the first Mother's Pension law. There are now twenty six States which have similar laws and in 1916 more than twelve million dollars passed directly to mothers for the care of children who would, but for the mother's pension system, have been forced into institutions. In 1911 Judge Henry Niel learned that the sum of ten dollars per month was paid by the county tax fund in Illinois to institutions for the care of orphans consigned by the courts to their keeping. "Why is the money not paid to the mother so she could maintain the children at home" asked the judge? But poor children being everybody's business, and everybody's business being nobody's business, there was no answer for Judge Niel's question. Realizing that a large percentage of the amounts appropriated went to pay high salaried institutional employees Judge Niel determined to seek a change for the benefit of orphans and he went to the legislature and asked an amendment to the Juvenile Court Act, the amendment reading:

"If the parent or parents of such neglected or dependent child are poor and unable to care for said child, but are otherwise proper guardians, and it is for the welfare of such child that it remain at home, the court may enter an order finding such facts and fixing the amount of money necessary to enable the parent or parents to properly care for such child, and thereupon it shall be the duty of the County

Board, through its County Agent, or otherwise, to pay to such agent or parents, at such times as said order may designate, the amount so specified for the care of such dependent or neglected child until further order of the court."

Otto McFeely relates the following story:

"The law was to go into effect on July 1st, 1911 and on June the first, Judge Niel was in the Juvenile court of Chicago. A mother sat weeping inside the rail which barred out the general public, in her arms an infant and two children clinging to her skirts. The court was about to take the children from her and to send them to an asylum because she was unable to provide for them. The story drawn from the woman showed she was a well educated woman who but ten months before had lived in a comfortable home and was well provided for by her husband. The couple had not only lived comfortably but they had saved five hundred dollars which they were planning to put into a first payment on a home when the husband, an employee in a steel mill, was killed. The woman had to pay the funeral expenses incurred for her husband and with the remainder of their little hoard she opened a small boarding house, failed in her venture, and had no further means to pay for shelter and food for herself and her children. Charity experts, the judge, and solicitous lawyers, heard the woman's plea that she could get sewing to do at home which would help to keep her children, but they decided that her individual effort would not assure subsistence for the three children and agreed the only possible thing to do was to send the children to an institution. "I will pay her a pension until July 1st," declared Judge Niel, "and then she can get the regular mother's pension." The proposal was accepted and for the first time in the history of America the State had stepped in to preserve the family which was about to be broken up because of the crime of poverty."

"It is cheaper to hire the mother to care for her own children than to pay institutions" declared Judge Niel, and he proved it by facts and figures the result of much patient investigation and study. "It is more human. Children reared by their own mothers will make good citizens. It is folly to spend money for public schools and try to educate children who are not properly fed, clothed and cared for. The physical and mental defective, the incompetents and the criminal element are largely produced by child poverty. Money paid for mother's pensions to abolish child poverty returns in the reduced cost of hospitals, police, courts, jails and asylums."

There have been repeated amendments to the amendment first passed by the Illinois Legislature in 1911 and the law as it now stands reads:

"A woman whose husband is dead, or permanently disabled by physical or mental infirmity, who has resided in the county for three years and is the mother of a child or children, may file an application for relief. If after investigation and hearings the appeal is accepted an allowance may be made to the mother not exceeding fifteen dollars a month for one child under fourteen, nor ten dollars a month for each of the other children—in no event to exceed sixty dollars a month. Relief may be granted for a child over fourteen and under sixteen if the child is ill or incapacitated for work, such relief to cease with the removal of the incapacity.

Before relief is granted the following facts must be ascertained; that the children are living with their mother, and that it is for their welfare that they remain with her; that without such relief the mother would be required to work regularly away from home but that with it she can remain at home with her children, except for such definite number of days each week as may be specified in the order of court during

which she may perform such work as can be done without sacrifice of health, or neglect of her home; that the mother is a fit person to care for her children; that she is not the owner of real or personal property, except household goods; that she is a citizen of the country or has made declaration of her intention to become a citizen of the United States, and has resided for three years in the county where such application is made and is the mother of a child or children."

The law which provides for a fund out of which destitute mothers are so pensioned that they may keep their children, care for and educate them, does not attract that predjudice or jealousy towards it which would naturally arise where the beneficiary is a matter of choice or political preference and the apprehension that interests might be promoted at the sacrifice, or to the injury of others whose interests should be equally regarded. It is universally understood to be one of the implied and necessary conditions upon which men enter into society and form governments, that sacrifices must sometimes be required of individuals for the general benefit of the community. A law therefore enacted for the common good of the community in taking indigent orphans from institutions and giving the care to the mothers, with the fee formerly paid to the institutions, while possibly cramping a few purses, is so obviously for the public benefit it must meet general acquiescence.

It is assuredly a grim tragedy when children are born into or are reduced to poverty, and it is a still more tragic sequence when they are deprived of such support as their father's could give, but the poor children who have neither father nor mother and so face the only alternative care, asylum life, are the most pathetic figures in human affairs. They should not be forgotten while the fight goes on for the mothers who need financial aid to keep and care for



their offspring, and there should be nowhere in the land a private institution, or an institution of any kind, character or description, not open to public investigation and not under the surveillance of State officials. The poorest and meanest and most forlorn children should be the object of the State's care and protection—they are the citizens of tomorrow and whether they are good citizens or bad citizens is dependent upon the proportion of decent treatment, education, training and happiness which has gone into their making. Property rights are so generously surrounded with legal regulation every possible question or phase arising out of or appertaining thereto can be found in cases precedent and a lawyer has but to turn to his Code and the Annual Reports to be armed for his client's protection of monetary interests. The property of minors is hedged round with much care and consideration and their tutorship or guardianship, when there is an estate to administer, meets the gravest protection, but the bodies and minds, the health and happiness of destitute children might receive more legal attention without bringing our legislative bodies under investigation for mad generosity. A perfunctory visit is made by this or that Board to institutions harboring penniless orphans, and, the announcement of the visit having preceded there is a visitors polish put on everything and the children look happy, if for no other reason than that such callers mean an extra portion of food and perhaps a sweet or two. Many States require that a married woman be examined separate and apart from her husband when she seeks authority to convey or mortgage her separate property, but no State requires that helpless and defenseless orphans be examined separately and apart from institutional employees while a competent court decides if the care and kindness is accorded which the law presumes.

Amos Pinchot says of the Mother's Pension: "Poverty is the curse of civilization. Child poverty is the worst

kind of poverty. If you strike a sapling with an axe it may live, but it will grow up a scarred tree. If you give a child a bad start you cannot expect it to become a strong man or woman or a first rate citizen. That is why the Mother's Pension is fundamental. We want to place American children beyond the necessity for charity—to have them grow up in their homes, to have the State give the widowed mother enough money to raise her family independent of the bounty of the rich. This is nothing but hard common sense. It ought to have been done half a century ago."

### WOMEN LAWYERS

The history of the admission of women to the Bar in the United States dates back to the late 60's. Since Deborah judged Israel women have evidenced their capability to interpret and apply law but it was deemed a very radical step when women aspired to the profession. Mrs. Emma Haddock, wife of Judge Haddock, of Iowa City, Iowa, was admitted to the bar in 1869 and in the same year Mrs. B. A. Mansfield was admitted to the Bar of the same State. The Legal News of Feb 9th, 1870 said: "In 1869 Mrs. B. A. Mansfield was admitted to the Bar of Iowa under a Statute providing that "any white male person" with the requisite qualifications should be licensed to practice by virtue of a statute providing that words imputing the masculine gender only, may be extended to females, and the court held that the affirmative declaration that male persons may be admitted is not an implied denial to the right of females."

In 1869 Phoebe Couzins was admitted to the Law School of Washington University at St. Louis and when she graduated from the institution in 1871 she applied for and was admitted to all the courts of the State of Missouri. The Legal News said of this: "Missouri, under

a statute providing that any person possessing the necessary qualifications may be licensed and admitted to the courts, including the Supreme Court of that State, in April 1870, admitted Miss Barkalow and Miss Phoebe Couzins."

Maine, under a similar statute admitted Mrs. C. H. Nash, in 1872 and in the District of Columbia in 1870 Mrs. Belva Lockwood was admitted.

Mrs. Myra Bradwell, editor of *The Legal News*, and a woman of much varied information and accomplishments, after much preparation and study applied to the Bar of Chicago, Illinois, for an examination and a license to practice law. Her application was refused on the ground that she was a married woman. She took the matter to the Supreme Court of the United States for a decision, and, lost her cause. Later Alta Hulett, a young woman of Rockford, Illinois, after careful preparation in a law office presented her application for examination and admission and was refused. Miss Hulett prepared a lecture, "Justice vs. The Supreme Court," and travelled about the State of Illinois giving her discussion until she earned sufficient money to prosecute her campaign for a legislative enactment which would allow women to be admitted to the Bar of Illinois. The following Bill was finally passed by the Legislature, and under its provisions Miss Hulett again presented her application and, successfully passing the examination required, she was admitted and was the first woman to come to the Bar of Illinois.

"Be it enacted by the people of the State of Illinois represented in the General Assembly, that no person shall be precluded or debarred from any occupation, profession or employment (except military) on account of sex. Provided that this act shall not be construed to affect the eligibility of any person to an elective office."

Prior to 1900 there were no women lawyers in Europe, and though the first woman came to the Bar of this country in 1869 it was a full quarter of a century before a scant half

dozen were in active practice in the United States. The announcement that a case would be argued by a woman brought gaping crowds as when a circus arrived in town. It was a mild sensation when Mrs. Belva Lockwood was presented to the United States Supreme Court, and there with force, ability and dignity, presented and won a case.

In 1900 France admitted women to the Bar and they are now practicing before the Tribunal of Commerce, all civil and criminal courts, Military Courts, Courts of Appeal and Childrens' Courts, and in 1916 there were thirty six registered women lawyers in active practice in Paris.

There are some of the countries of Europe where women are not permitted to enter the law colleges or to practice in the courts and it goes without saying they are the countries in the rear of the great march of Progress. Bulgaria is an instance. Turkey also excludes women from the courts as counsel but any woman may appear and present her own case. In Russia women ambitious to practice law have had a long fight and their patience and perseverance is shown by the fact that in the beginning of 1917, though at times excluded even from admission to the law schools of Russia, there were nearly two hundred women who had the legal education and degree to make them eligible to practice, a majority having graduated from French Universities, and they combined their work for recognition in two associations, one in Petrograd and one in Moscow. It was in 1906 they were admitted in the law colleges of Russia to study, under certain limitations, but this privilege was withdrawn in 1908 and they were expelled from the institutions. The oppression felt throughout the country evolved and developed the desire for legal education to take before tribunals of justice the wrongs of the masses. Believing always that the people would in time throw off the yoke of the oppressors women continued to seek legal education in other countries and to pursue the study of law under the tutelage of private instructors.

Between 1908 and 1910 there was much agitation of the demand for admission of women to the law classes in the universities and again they were given permission to enroll in the law departments of the colleges and the right was assured them by a decree of the Minister of Education to examinations the same as those given male students. It is of record, however, that in the same year a woman appeared in court in a criminal case and the Chief Justice left the room to evidence his disapprobation and protest. Relating the varied difficulties experienced by women in their effort to secure recognition as lawyers in Russia Mlle. Justine Klotz, a brilliantly educated young Parisian woman lawyer says in the *Women Lawyers Journal*: "In 1910 the representatives of the Progressive Party introduced in the Douma a bill which would enable women to be admitted to the Bar. During the discussion the Progressive Party and the Centre declared themselves in favor of the bill; however no definite action was taken. Delegations of women law students had several interviews with representatives of the Department of Justice. Every one of them declared clearly in favor of the reform advocated in the bill. Feb. 20, 1912, a Proposition of Law, 'Rights for Women Lawyers' was introduced in the Douma. In May the Douma discussed and favorably acted upon the Proposition. The report of this discussion tritely says how easy it was to deprive the people of rights who have no status before the law, and clearly states that the Law Statutes of 1864 do not mention any prohibition as to the admittance of women to the Bar."

In December 1913 the Commission of the Imperial Council accepted the Proposition of Law concerning "The Rights of Women Lawyers," but in 1915 the Proposition was abrogated by the Council and a new Proposition of Law relating to women lawyers was introduced as follows:—  
"1. Women are enabled to act as lawyers. 2. Women have equal right with men to be eligible to the jury."



This new Proposition was discussed at various times until 1916 when it was finally rejected. Most of the women lawyers who compose the lawyers association of Petrograd and Moscow received their degrees in Paris or elsewhere. Mlle. Klotz says: "As to the admission of women lawyers to the Bar of Russia, nobody believes that the profession should be closed to them; and as the reform is advocated by the majority of the Douma, the Bar Association and public opinion, there is hope that in the near future women lawyers will be practicing in Russia the same as men." This belief of Mlle Klotz was prophetic in view of the prompt recognition given to women as the absolute equal of men in all civil rights and obligations as the first immediate result of the success of the revolution which deposed the Czar.

Sweden admits only unmarried women to the Bar it being the Swedish belief that married women are not free agents and so they cannot properly represent the interest of clients. British India refused permission to Miss Guha, a woman lawyer who had taken her degree, to admission to the Bar in 1916.

Italy permits women to take the degree of Law in her colleges but the courts have not been opened to them for practice. Thus, like the girl who begged permission to go out to swim and was told "Yes, my dearest daughter, hang your clothes on a hickory limb, but don't go near the water," the privilege of the degree of law and the refusal of permission to practice, gives something and withholds much.

Australia permits women to take the degree of law in the colleges, permits them to practice and they have conducted trials to a successful conclusion in that country. Switzerland admits women as practicing lawyers in her courts and there are women appearing in Zurich, Geneva and some of the Cantons. In 1913 the first woman lawyer to break into the courts of Portugal was Dr. Regina Quintelitz, and her conduct of a case at Lisbon, which

she won, was so brilliant as to cause a sensation. Women may study law and take degrees in the colleges of Roumania but they have not yet received permission to practice in the courts, that privilege having been expressly denied to Madam Melie Negrutel in 1912. Agnes McWhinney is a well known and successful practicing lawyer in the courts of Australia and in New Zealand women are on the same footing as men in the law courts. Late in 1916, Natividad Alemeda, a young woman who had taken her degree in law in a New York College, returned to the Phillipine Islands and was there admitted to practice in all of the courts of the Islands. Some time later she took a case on **appeal** to the highest court in Manilla, wrote her own briefs **and** argued the case, securing a judgment in favor of her **clients**.

The women lawyers of England have made a long and fierce fight for admission to the bar. They have won the right to study in all of the colleges except Oxford and Cambridge, but they are barred from practicing law by statutory enactment.

In the United States women have been admitted to practice law in all but two of the States, Virginia and Arkansas. Late in 1916 Georgia passed the "Portia Bill" which enabled **women** to practice in all of the courts of the State, which **up to** that time had denied them the right.

Illinois has a Woman's Bar Association which has a standing in that State quite equal to the similar association of men. Boston has an organization of women lawyers and there are other associations of women of the legal profession but the only body of national scope is the Woman Lawyers Association which meets in New York monthly at the rooms of the County Lawyers Association. It counts members in every State where women have been admitted to the Bar and has a total membership of more than two hundred women. The President of the Association, Olive Stott Gabriel, a graduate of the New

York University law department and native of Oregon, has done much to secure for women at the Bar the consideration to which they are entitled and has used her effort for the interest and advancement of women lawyers in the several States wherever possible, demonstrating the advantage of an affiliated body, when it has an unselfish, aggressive and efficient head. The organization has a "Grievance Committee" to which any complaint of a member is referred and the association requires that the highest professional ethics be maintained by its members.

The spirit of the Woman Lawyers Association seems well in line with the sentiment expressed by Matthew Arnold when he said:

"If ever the world sees a time when women shall come together purely and simply for the benefit and good of mankind, it will be a power such as the world has never known."

The whole fabric of the association motive is that of good will to women, the furtherance of laws which will benefit women and children and the fellowship of a high and noble profession. Mrs. Gabriel, discussing the aim of women lawyers toward better legislation says:

"Woman's chief interest is, first and foremost, of the children. With primitive woman this interest centered entirely in her own offspring, but organized womanhood has evolved or developed a spirit of universal motherhood, and the women's club once criticized and condemned as the menace of the home has come to be recognized as the agent of home extension as well as home making, the friend and guardian of defenseless little ones and the sworn ally of the public school system. Women lawyers, individually and in their association seek untiringly for laws to protect and defend the home, for clean milk for the babies, home economics, sanitation, education, pure drinking water and a better moral standard. They

seek civil service reform, opportunities for industrial training and knowledge of parliamentary law. We have," she says "a close walk with nature, a better understanding of art, literature and music, a wider outlook upon life, a broader vision, deepened sympathies and an optimistic faith in a future big with promise for women because of our legal education and our opportunities to come in close contact with everything worth while in the march of a progressive civilization."

Illinois has as an assistant Attorney General a woman lawyer and Arizona has similarly honored a woman of the profession. Lita Belle Hibbin is deputy District Attorney at Los Angeles, California, and Annette Adams is assistant United States District Attorney for the northern district of the same State. Other western States have women in public office where legal training is necessary—there are Public Defenders, Justices of the Peace, Judges of Childrens' Courts and women acting in other judicial capacity.

Clarice M. Baright, came out openly in 1910 as an applicant for appointment as Judge of the Children's Court of New York City. The move made many gasp, for the political environment of the official family of the great city seemed to exclude women, if for no other reason than the fact they could not vote. However, Mrs. Baright went almost daily to the Children's Courts to familiarize herself with the work required of a judge, and no less with the work required to bring the children appearing before that Bar into the way of being good and law abiding citizens, and she won, step by step, the endorsement of lawyers and laymen.

Nellie Carlin, a leading woman lawyer of Illinois, was appointed in 1915 to the post of Public Guardian of Cook County and at no time since her incumbency of the

office has there been less than a thousand estates of minors in her custody and care.

Judge Reah Whitehead, is Seattle, Washington's woman judge. Miss Whitehead is very modest, she says: "I have no ambition higher than the justice's court. People seem to think that when a woman steps into some public position she expects to hurdle along and be President of the United States. I'm not bothering my head about anything except the business of my court. I believe there is plenty need for women on the bench." Judge Whitehead heard in the first year of her incumbency of the office sixteen hundred civil cases and five hundred and seventy criminal cases. She says: "Women pioneers in the law are not on the defensive. I don't believe that the world should expect that the women who are on the bench or who are practicing law should produce any great judges or particularly brilliant lawyers for some time to come. Occasionally there are brilliant men in these fields, but you must remember that for years and years and hundreds of years men have made the laws and men have passed on the interpretation of man-made laws. Until women have an actual hand in the framing of the laws, the point of view between men and women judges and men and women lawyers will be different. There is no man's world and woman's world as separate planets. We are living in the same world. But the point of view of men differs from that of women and until laws are framed with a common idea of justice, it is not likely that women will produce the proportion of brilliant legal lights that comes from the ranks of men."

Judge L. L. Fawcett, of the County Court (of Brooklyn, New York) declared in an open letter in favor of the appointment of a woman to the bench:

"It is my belief that a woman having ten years' experience as a practicing attorney in conjunction with



the innate qualifications and wisdom of her sex, would bring an added asset to the bench that would materially aid in the solution of the all important problems involving the disposition of the cases of children, for, as a rule a woman's understanding and knowledge of children is better than that of a man. Women seem to intuitively know the shortcomings of children and with instructive "mother judgment" provide the proper corrective treatment for the awakening of conscience and reformation of the bad child."

Katherine S. Clark is a Justice of the Peace at Oak Park, Illinois and Mrs. John C. Duff occupies the same office in Chinook, Montana. In 1914 Mary Bartelme was raised from a minor court office to that of Associate Judge of the Children's Court of Chicago and Mrs. Georgia Bullock is Judge of the Women's Court of Los Angeles.

As an instance of the inadvisability of forcing public opinion by legislation may be cited the record of Margaret Gardner one of the most capable, and at the present time, fully appreciated women lawyers in this country. When she had graduated from a University, but before she was admitted to the Bar of California, she was appointed a clerk in the office of the City Prosecutor of Los Angeles at a very small salary which, within three months, because of the excellent work accomplished was trebled. When Miss Gardner was admitted to the Bar she was appointed Deputy Prosecutor, serving on an equal basis with the men attorneys and under the salary ordinance then existing. No special legislation had been evoked to give her the position of Deputy Prosecutor, simply as a citizen, as a member of the Bar with the necessary qualifications, she was appointed—and, made good, and the precedent was established of qualification being the sole requisite. In direct contrast to this is the condition created by the special ordinance which was passed CREATING the office of WOMAN Deputy District Attorney of Los Angeles

County. Under this abortive legislation there can be but one woman deputy District Attorney in the County and there cannot be more until the law is repealed or declared unconstitutional.

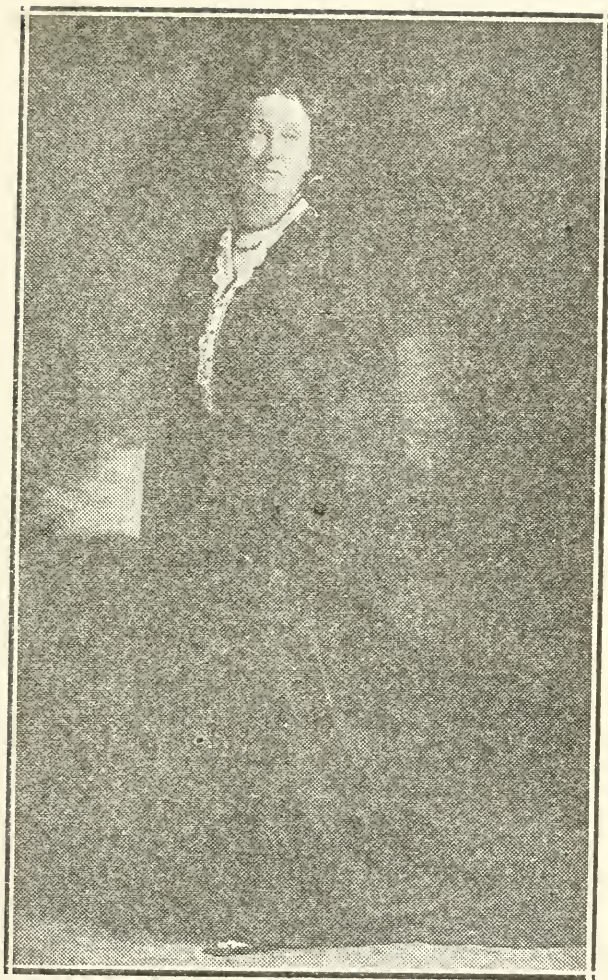
It is no longer an unusual sight when women appear at the Bar of the courts to plead cases and juries see so many women in and about the courts they take no heed of the female advocates as women noting only the strength or weakness of the cases presented. It is to the women who blazed the path, those who came to the bar in the early days when women dared to break into the most learned of professions, to whom all women lawyers owe a never ending debt of gratitude and to whom women of all classes are indebted for the better legal status which has evolved from the efforts of those early torch bearers. Notably there is the record of such women as Phoebe Cousins, Belva Lockwood, Ellen Spencer Mussey, Marilla Ricker and Mary Elizabeth Lease, the last named an author, lawyer, lecturer and publicist. Thirty years ago Kansas was jarred to attention, and later the whole nation waked to an appreciation, of the young woman who dared to take the stump and to send out her wonderful oratory in behalf of certain needed reforms. Mrs. Lease began the study of law when she was a small girl, was admitted to the bar of Kansas when just twenty one and later has been recognized in the courts of many of the other States when she has appeared in cases of note. Mrs. Lease was a "homesteader" and knew that "home" meant not merely a place of residence but a sanctuary erected upon the foundation of toil and privation, and she launched a campaign against excessive taxation and foreclosure, never ceasing until her efforts caused an abatement of the worst of the troubles of those who would maintain in security a permanent roof tree in her native State of Kansas. It was she, too, who was largely instrumental in bringing to public attention the theory of land as surety for loans and

governmental aid for homesteaders. It was Mrs. Lease, who, when placed by the Governor of Kansas in charge of the eelemosynary institutions of that State swept it clean of those lax systems in the harbors for the State's charges which had led to excesses and abuse, and she brought justice to children and the witless, thus purging Kansas of reproach. It was following this work, when she was called to the National Conference of Eelemosynary Educators, she was presented with the bronze medal of honor.

Always Mrs. Lease was the lawyer, and she went to the fountain head to secure proper reforms, seeking the law making bodies and obtaining corrective legislation to work out the best ends.

Mrs. Lease removed to New York to enable her to give to her children the best education procurable and in later years she has lived at her home in Flatbush, Long Island, there enjoying the well earned result of her life work and lending to younger women at the bar the encouragement of her ready advice and stimulating aid. She has been heard on the rostrum in every State in her stirring addresses: "Sinews of Suffrage." "The Constitution of the Republic," "Statesmanship and Peace;" "A Vision and a Realization," and "America." More recently she has presented her wonderful sermon-lecture "As a man Thinketh so is He," and a splendid symposium on "The Women of Shakespeare."

Then there is in the beloved ranks of the pathfinders in the law for women Mrs. Marilla Ricker. It was in 1882 she went up with a class of nineteen for examination for admission to the Bar of the District of Columbia, and not only passed the examination successfully but was highly complimented on her unusual knowledge of the law, and President Arthur appointed her United States Examiner and Commissioner in Chancery for the District of Columbia a few years later. She was candidate for Governor of



MARY ELIZABETH LEASE

Pioneer Woman Lawyer, Author, Publicist and Lecturer





Massachusetts, to which State she had removed, and she practiced law at the New Hampshire bar a number of years. Mrs. Ricker has published a number of books, and in her seventy seventh year has just issued her last work, a book of much merit on religious subjects entitled "I am Not Afraid, Are YOU?" She spends many hours every day at her desk in the Hotel Parker, Boston, Mass. where she lives.

Soon after President Wilson issued his proclamation declaring a state of war existing between the United States and Germany the President of the New York State Bar Association issued a call for volunteers from the ranks of the lawyers to fill the gaps made by reason of the absence of many lawyers and law clerks in military service. Among the first to heed the call was the women lawyers, and a number of them organized the Women's Volunteer Law League and tendered their services in response to the call. They put themselves whole-heartedly at the command of the State Bar Association and its committees appointed to handle the work of supplying the places of absent lawyers during the war.

All summed up it spells this: Women lawyers, measured by their work, have made good, indeed they have made doubly good and as an Exhibit of what women in the law can accomplish their record is filed.

## MARRIAGE AND DIVORCE

The disabilities of married women seem incompatible with the freedom guaranteed by our Constitution being but a step removed from that condition which existed in the days of the feudal system where it was believed the peace of the community could only be assured by the dependence of the population on feudal superiors. Legislatures seem to have legislated all round the subjection of the wife to her husband. In many States property

rights have been equalized, but there has been little change in the legal servitude created by lack of personal rights. Girls are educated with the idea of their marriage at or about the time of their maturity, approximately when the age of reason is reached. Yet the moment the girl marries she renounces the very freedom which she is supposed to have attained by reaching her majority, places her bodily and mental powers in a state of subjection and leases herself out for life for a mere board and keep.

It is not the intent of the law, or of law makers, to discourage the contract of marriage, rather is it the avowed "noble institution" on which the home and nation is builded, and in some States, once that contract is made, the law makes it a very hard agreement to dissolve. In one State, South Carolina, there is no provision in the law whatever for divorce. Once married, always married, is the maxim of that unique State. But it is a fact that the single woman, over twenty-one years of age, has nearly all of the rights of the male, she can contract and be contracted with freely, she can buy and transfer real property, and she divests herself of these rights in many States when she becomes a wife.

Marriage between whites and persons of negro descent is forbidden in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia and West Virginia.

The States of Arizona, Oregon, North Carolina and South Carolina forbid the marriage of whites and Indians and Arizona, California, Mississippi, Utah and Oregon forbid the marriage of whites and Chinese.

Marriage is also forbidden between first cousins in Arizona, Alaska, Arkansas, Illinois, Indiana, Kansas, Missouri, Nevada, New Hampshire, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Washington

and Wyoming. Marriage with step-father's and step-mother's and step-brothers and sisters is forbidden in all of the States except Florida, Iowa, Kentucky, Minnesota, New York, Tennessee and Wisconsin. Minnesota and Connecticut prohibit the marriage of an epileptic woman or an imbecile and the marriage of lunatics is void in Kentucky, Maine, Massachusetts, Nebraska and the District of Columbia.

Adultery is ground for divorce in every State but South Carolina.

The dissemination of information, based on records, will insure the effort of women to secure legislation restraining mental incompetents from marrying. Women of stunted mental growth should be safeguarded from marriage and from becoming mothers, and it is what may not be written and printed which is the strongest argument against permitting these unfortunates to contribute to the jails and asylums in another generation. There could be no more pitifully enlightening story than the mere filing of the records of Ward C. of the Metropolitan Hospital, Blackwell's Island, where there are inscriptions showing the "history of inmates of the age of thirteen and of twelve years, who were mothers, and the reports of experts who declared these girls had the intelligence of children of seven and eight years. These girls were unmarried and their babies were sometimes taken by relatives, but more frequently they had to be sent to asylums to be wards of the State while the mothers were sent to Randall's Island, there being forced to mingle with women of criminal propensities, for New York, like the old woman who lived in the shoe has so many children she doesn't know what to do with them, and there is no place for the mental defective brand of her charges.

A residence of one year is required to permit divorce action in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisi-

ana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, New Hampshire, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

A residence of two years is required for divorce action in Alaska, Florida, Indiana, Maryland, New Jersey, North Carolina, Rhode Island, Tennessee and Wisconsin.

A residence of three years or more is required by Massachusetts, Connecticut and the District of Columbia.

The States of Idaho and Nevada increase their floating population by permitting the citizen of six months' residence to sue in their courts for divorce. Residence, however, must be actual and not constructive. The law for this short term of residence in Nevada, the Mecca for so many seekers of freedom from the bond of matrimony, is an old one and was passed in 1861. It is as follows:

"Divorce from the bonds of matrimony may be obtained by complaint under oath to the District Court of the County in which the cause therefor shall have accrued, or in which the defendant shall reside or be found, or, in which the plaintiff shall have resided, if the latter be either the County in which the parties cohabited or in which the plaintiff shall have resided six months before the suit was commenced."

The reasons for divorce in Nevada are so many it may be said that the only requirement is a lawyer, but the allegation most frequently made is "Desertion," or "Cruelty." The decree becomes immediately effective. Where personal service can be had on the defendant the action may be begun without any delays whatever.

In an article discussing the divorce laws of Nevada, Felice Cohn, a brilliant young Westerner and the only woman lawyer in Nevada, says:

"The fact that it requires but six months to acquire a residence in the county in which the suit is brought, added to the numerous statutory grounds on which a decree may be

obtained, has attracted the attention of residents of other States, and caused the influx into Nevada. Residence must be actual and bona fide for six months preceding the filing of a complaint, not constructive as some believe. Absence out of the State during the period indicated is closely scrutinized, and unless the reasons are of the best, a decree will not be granted. Divorce may be obtained before the six months residence has accrued if personal service be had on the defendant in the State of Nevada, and no collusion exists. Our laws are liberal, but more than that, they are just, and humane, and it is to be regretted that more States do not amend their laws to conform to Nevada's. Better still would be a uniform divorce law in the United States. New York sends more matrimonial misfits to Nevada than any other State, and in most cases a divorce could be obtained at home but for the sake of avoiding scandal the litigants come to Nevada to secure a decree on any other ground than New York's lone ground—adultery. More than four-fifths of the decrees granted yearly in Nevada are to former residents of other States who come here for the relief denied them at home, a condition of affairs which should not exist and will not exist when laws are enacted in the different States giving adequate and prompt relief in deserving cases."

In Oregon when the defendant is not in the State, and personal service cannot be had, the law requires service of the complaint on the District Attorney who must defend the rights of the absentee. The party to whom the decree is given is entitled to an undivided one-third of the real property. The divorced persons are prohibited from remarrying within six months after the decree and if they go to another State and re-marry to avoid this restriction, Oregon regards such marriage as null within its boundaries.

The State of Louisiana has a long list of reasons for a decree of what is known as "Separation from Bed and Board," and if the parties to such decree have not become



reconciled within one year after it has been granted, by a simple motion showing this fact the decree will become one of final divorce. The woman who is party therein is forbidden to re-marry within nine months. If the defendant does not receive personal service an attorney must be appointed by the court to represent his interest.

Even the Koran recognized the divorce requirement. Mohamet's Regulations with respect to wives was "1:—Never marry idolatrous women unless they will become believers. A Mussulman servant is better than an idolatrous woman, though of the highest rank. 2:—They, who having wives, wish to make a vow of chastity, shall wait four months before they decide. Wives shall conduct themselves toward their husbands as their husbands conduct themselves toward them. 3:—You may separate yourself from your wife twice; but if you divorce her a third time it must be forever. You must either keep her humanely or put her away kindly. You are not permitted to keep anything from her that you have given her. 4:—Good wives are obedient and attentive, even in the absence of their husbands. If your wife is prudent be careful not to have a quarrel with her; but if one should happen let an arbiter be chosen from your own family, and one from hers. 5:—Take one wife, or two or three or four, but never more. But if you doubt your ability to act equitably toward several, take only one. Give them a suitable dowry, take care of them, and speak to them always like a friend. 6:—You are not permitted to inherit from your wife against her will; nor to prevent her from marrying another after her divorce, in order to possess yourself of her dower, unless she has been declared guilty of some crime. When you choose to separate yourself from your wife and take another, you must not, though you have given her a talent at your marriage, take anything from her. 7:—You are permitted to marry a slave, but it is better that you should not do so. 8:—A repudiated wife is obliged to suckle her child until it is two

years old, during which time the father is obliged to maintain them according to his condition. If the infant is weaned at an earlier period, it must be with the consent of both father and mother. If you are obliged to entrust it to a strange nurse you should make a reasonable allowance."

And Voltaire, speaking of the foregoing sections of the Koran declared: "Here is sufficient to reconcile the women to Mohamet."

Any laxity in the recordation of findings in a divorce suit may have serious after consequences as in the case of Manscoe vs. Manscoe, a divorce decree obtained in Indiana in the early 70's. In that case Rachel Manscoe travelled from Louisiana to Indiana to sue her husband for divorce because the Indiana laws then obtaining in Indiana offered her the easier road. The decree was handed down by the judge who heard the action and was signed by him on Tuesday, the 10th day of May. Twenty-five years later there was interposed in the Supreme Court of Louisiana the allegation that a later marriage of Rachel Manscoe to Edward Benton was void because she had married Benton before she was divorced from Manscoe. Depending on the outcome of the proceeding was a large estate and the legitimacy of several children born to the union with Benton. The lawyers for the widow Benton sought, and succeeded in getting, a continuance of the matter, and they hurried to Terra Haute, Indiana, to try to unearth the puzzle, for the widow Benton was firm in her assertion that she had heard the judge render his decision in open court, had been told on the same day by her lawyer that the decree had been duly signed and put on record and she was given a certified copy (which copy she averred she had lost), and she then immediately started back South, stopping at Cairo, Illinois, where she married Benton on Thursday of the same week her divorce had been granted. A search of the musty old records disclosed the fact that the clerk of court had followed, during his whole term of office, the method of entering in his books all decrees

of the week on the last day of each week, hence the divorce judgment of Manscoe vs. Manscoe was entered by him on Saturday, although it was signed by the judge on the preceding Tuesday. When the relatives attacking the widow for a share in the estate sent back to Indiana for a copy of the decree of the widow Benton's divorce from her former husband the clerk looked up the ancient books and forwarded the copy as of date of the Saturday of its entry, which chanced to be two days after the lady had married again, and there was set off the bomb in the Benton succession suit which almost caused children to be declared illegitimate and a fortune to go to collateral relatives instead of to the widow and heirs of Benton.

Whether it is agreed that those marriages which have not resulted in that perfect union which some people describe as originating "in Heaven" should be dissolved with greater ease, *sans ceremonie*, or only with great difficulty and by overcoming many legal obstacles, there must be unanimity of opinion that the rule should be uniform throughout the country and the age when marriage can be legally contracted should be the same in all of the States. Records show that a large proportion of marriages contracted by boys and girls of less than eighteen come to grief and the courts for dissolution. When boys and girls, in a spirit of jest, or over-photoplay or over-novelized emotion, can take on the serious obligation of the married state, there usually follows trouble, too often ending in spoiled lives. Section 16, of the Domestic Relations Law of New York, requires the filing of the written consent of parents or guardians if the male be less than twenty-one years of age and the female less than eighteen years of age, with the application for a license to wed, but the round trip fare to a nearby Gretna Green where requirements for licenses to marry are not especially scrutinized, destroys its force. In several of the States a girl of fourteen may be given in marriage, and in Tennessee a girl may marry at twelve years

of age, yet no single State permits a female of less than eighteen years of age to make any other valid contract, and many of the States require the female to be twenty-one years of age before she can be a party to any form of agreement except marriage. *Lex loci celebrati contractus*. There is not in any State any dictum or authority permitting the dispute of contracts made according to the forms of the State where the contract was made. Hence the law of one State requiring that a woman shall have attained the age of eighteen years before she can marry has no intrinsic force, *proprio vigore*, beyond the jurisdiction of that State, nor can the marriage of children of tender years be disputed by a State with a higher age limit if the marriage was contracted according to the forms of law in the State where the ceremony was performed.

It is inconceivable that civilized mothers anywhere would sanction the statutory permission to marry at less than the age of maturity, and it is not too much to say that in the States where a girl may be wed at less than that age not one woman in one hundred knows anything about law. The awakening of women to the fact that their defensive and protective measures must come from the law making source of their State rouses them to a discrimination between good and bad laws for women and minors, and whether they have the franchise or not, there is started a revolution against such legal influence as undermines the home, a revolution which must ultimately result in a purifying betterment of statutory enactments. The need of uniform laws of marriage and divorce must be the subject of closest attention from the woman citizen. There is a crazy patchwork of laws so long as one State permits a girl of twelve years to marry when the neighboring States on four boundary lines require the age to be not less than eighteen; when the dissolution of the bond in one State is ludicrously easy after a six months' sojourn, while in other States the bond is made indissoluble except for the gravest grounds and under almost

impossible restrictions, one State, in fact, refusing altogether to contemplate the abrogation of the marriage contract.

The great need in regard to divorce laws and the age requirement for marriage contracts is that they be made uniform in the United States. Of what avail is it to complain of the New York law which grants divorce for but one reason when domicile for six months in Nevada will enable an applicant to secure a divorce for almost anything from bad temper to adultery? Of what avail is it to complain that one State forbids re-marriage after divorce before the expiration of a certain period of time when the seeker for new matrimonial pastures has but to buy two round trip excursion tickets to a near-by and more obliging State to re-marry and be within the law? Or why regulate the age at twenty-one to contract marriage in one State and twelve in another?

The great difficulty in the way of establishing uniform divorce laws is to ascertain the precise extent of relief which should be granted to apply to the infinite variety of cases arising from the complicated grievances of human society in these modern times. It is manifestly a hard problem to adjust the flexible divorce laws of a State like Nevada to the New England idea of the moral laws—as well try to adjust the heathen habits of polygamy, incest and cruelty with the Christian view of morality, law and justice. But one State should not make its jurisprudence an instrument of injustice to the people of another State, and there is injustice in the two extremes.

Because a marriage deemed legally dissolved in one State may remain legally valid in another there arises many vexing problems for the courts which not infrequently would like to evade jurisdiction even as did the English Courts when hearing the case of *Dalrymple vs. Dalrymple*, an action to test the validity of a Scotch marriage. The Court said:

“Being entertained in an English Court the cause must be adjudicated according to the principles of English law



applicable to such a case. But the only principle applicable to such a case by the law of England is, that the validity of a marriage must be tried by reference to the law of the country where it had its origin. Having furnished this principle, the law of England withdraws altogether, and leaves the legal question to the exclusive judgment of the law of Scotland."

The laws of marriage and the laws of divorce, notwithstanding the almost insuperable difficulties because of difference in sectional views and customs, should be made uniform, for at this time not only is there great variance of jurisprudence as to age limit and the grounds and methods for dissolving the matrimonial tie but common law marriages are upheld in certain States and in others the leaning is to require strict observance of certain forms and ceremonies of marriage.

Kent in his Commentaries Vol. II, p. 87 says of marriage:

"No peculiar ceremonies are requisite by the common law to the valid celebration of the marriage. The consent of the parties is all that is required; and as marriage is said to be a contract *jure gentium*, that consent is all that is required by natural or public law. If the contract be made *per verba de praesenti*, and remain without cohabitation, or if made *per verba re futuro* and be followed by consummation it amounts to a valid marriage in the absence of all civil regulations to the contrary, and which the parties (being competent as to age and consent) cannot dissolve, and is equally binding as if made in *facie ecclesiae*. There is no recognition of an ecclesiastical authority in forming the connection, and it is considered entirely in the light of a civil contract. This is the doctrine of the common law, and also the common law which governed marriages in England prior to the Marriage Act of 26 Geo. II."

Endless litigation has grown out of common law marriages where it was deemed by the contracting parties suffi-

cient to agree between themselves that they should be husband and wife and without conforming to any religious or civil ceremony. The vital question is the existence of a contract of marriage. In the case of *State vs. Hansbrough*, 181 Mo. p. 350, where the State based a prosecution for bigamy on recognition of the parties by their friends and acquaintances for twenty years as husband and wife, held that it was not sufficient to prove a contract of marriage to show cohabitation and general reputation as husband and wife, for "while a marriage at common law required no particular form or ceremony to make it valid, enough had to be said and done by the contracting parties to make a contract."

When a minor under the age specified by law, can contract a Common Law marriage and does enter such an agreement, a suit for nullity will lie and may be brought by the infant, parents or guardians, Sec. 1744, of the Code of Civil Procedure, of New York, reads:

"An action to annul a marriage on the ground that one of the parties had not attained the age of legal consent may be maintained by the infant, or by either parent of the infant, or by the guardian of the infant's person; or the court may allow the action to be maintained by any person as the next friend of the infant."

And similar relief is granted by other States. But when a suit is filed to annul a marriage contracted by persons of less than the age when the law permits there arises the question of the legitimacy of children, if there are any. In the suit of *McCan vs. McCan* in the Supreme Court of New York recently Justice Ordway filed the following memorandum:

"This is an action for the annulment of a marriage on the ground that the plaintiff was only seventeen years of age when she married the defendant, and left him before reaching the age of eighteen, and had not cohabited with him since. There is one child born of the marriage and still living. The plaintiff has offered no evidence tending to show misconduct on the part of her husband, or any rea-

son for the annulment of her marriage beyond the facts already stated, but she is not required to do so, and any such evidence would probably be immaterial and irrelevant. I regret that I am compelled to grant the decree asked for (*Kruger v. Kruger*, 137 App. Div., 289). It seems to me unfortunate that the law of this State should permit these 'trial marriages,' which may be annulled at the mere request of either party, if he or she was married and left the other before reaching the age of eighteen years. In this case such a law seems particularly unfortunate in view of the fact that no power is given to the court in an action for annulment of this kind to make any provision for the care or support of children of the marriage. It seems to me most desirable that the Legislature should consider this matter and amend the law so as to protect more fully the marriage relation and family ties. Decision and interlocutory judgment signed and filed."

Thus it is seen that there are many sides and many views of the contract of marriage, the responsibilities of the contracting parties, the obligations arising to the society in which we live, property rights and the consequences to heirs. Courts can only apply the laws as they are written and the great need is of a general housecleaning of the Statute Books, and in some instances amendments to State Constitutions, the expunging of the great accumulation of useless and conflicting enactments, and uniform legislation along certain lines so that full faith and credence may be given by each State to the laws and judgments of courts of the other States without injustice or confusion resulting.

The matter of jurisdiction in divorce actions has given rise to much judicial discussion. The courts of one State have no general authority to grant divorce. The question arises would jurisdiction be had because the marriage contract was entered into in a State, or the alleged breach of the bond occurred within its boundaries, or the parties, or

one of them, reside therein though both marriage and offense occurred without the State. It has been generally held that *bona fide* residence of either husband or wife within a State gives jurisdiction in divorce actions. But if a party goes to a jurisdiction other than that of his domicile for the sole purpose of securing a divorce and his residence is not *bona fide*, jurisdiction is not had over the marriage relation in the State of temporary residence, and a decree obtained by such fraud would be open to attack as to its validity by the other party. In general the domicile of the husband is the domicile of the wife, but when living apart and for the purpose of establishing the right to sue for divorce the wife may acquire a domicile in a State where she goes with the intent to make such place her home. But where neither party has actual domicile within a particular State its courts can have no jurisdiction in respect to their marital status, and any decree of divorce made therein must be nugatory.

Nor can service of process on the defendant be had in another State than where the action is brought. He must be cited either through an attorney appointed to represent his interests by the court or he must be cited by publication, if he is without the State. Notice by publication is accomplished by a form printed in a public journal or posted as the Statute may direct, usually being on the courthouse doors. The purpose of citation is to bring knowledge of the action to the defendant. Where personal service can be had on the defendant it is the one safest and surest proceeding.

Under existing conditions of our varied divorce laws it seems absurd to hold up our hands in horror at certain biblical and historic characters who maintained wives by the hundred, for there are States where it is so easy and inexpensive to have the bond of matrimony legally removed a man, bigamously inclined, or a woman with a hard taste to please in husbands, can take, and dispose, of all kinds of spouses, one at a time, as Irvin Cobb says, marriage there "is like an option and not a contract."

# Many Varying Laws

## AS THEY AFFECT WOMEN IN THE SEVERAL STATES

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### ALABAMA.

The married woman in Alabama may contract with her husband or with others and her separate property is liable for such contracts, but where the contract is for the mutual benefit then the common property of both is liable. The husband is not liable for the contracts of his wife unless he has participated in them or their benefits. The married woman may conduct a business as a public merchant by obtaining the consent of her husband in writing and placing this consent of record in the Probate Court. When this consent is filed she may contract and be contracted with in relation to her business the same as a male or *femme sole*. Alabama recognizes the married woman of eighteen years as being of full age while the unmarried woman is not of age until she has attained twenty-one years, hence marriage in Alabama emancipates the female minor of three years less than majority.

A girl of seventeen years may marry with the consent of her parents or guardians, but without such consent she cannot marry until she is twenty-one years of age.

There is no inheritance tax upon property.

If the wife survive her husband she takes all of the personal property if there are no descendants. If there are



children the widow and children share equally. If there are no children the wife takes all of the estate only if the husband left neither brothers nor sisters nor parents. She is entitled to Homestead rights.

If the husband survive the wife he takes half of the estate and the descendants, if any, divide the residue, and if there are no descendants he takes all of the estate.

At eighteen the woman may dispose by will of her personal property but disposition by will of real property can be made only after the woman has attained the age of twenty-one years.

Among other causes, divorce will be granted a woman for abandonment by her husband of two years, or for habitual drunkenness or excessive cruelty.

The maximum penalty for rape is death, the minimum penalty ten years imprisonment.

Alabama passed into the list of Prohibition States in 1915.

The custody of children is given to the father unless he is proven to be a person unfit for the trust.

The Child Labor Bill which was passed by the Alabama Legislature in 1915 provides for compulsory education from and after the first of October, 1917, making it obligatory for children between eight and fifteen years to attend school for eighty days in each year, exception being made if the child's service is necessary for its support or the support of a disabled father or widowed mother.

No child under fourteen years may work in any gainful occupation, exception being made to allow boys over twelve to work in offices and mercantile concerns out of school hours.

No person, under twenty-one, may work in a saloon, or where liquor is manufactured, packed or sold.

There must be seats in shops for girls and women employees.

Boys under twelve and girls under eighteen will not be permitted to sell papers on the streets or in public buildings but boys over twelve may distribute papers on regular routes. Between eight o'clock in the evening and five o'clock in the morning boys of less than sixteen years will not be permitted to engage in street trade of any kind without permission from specified authorities indicated by a badge. In cities of 25,000 or more persons of less than eighteen will not be permitted to distribute messages or goods between 9 p.m. and 5 a.m.

Children under sixteen are prohibited from employment in places where there is dangerous machinery, or on vessels or railroads, or among dangerous acids or poisonous dyes, or gases, or in any mine or tunnel, coal braker, coke oven or quarry, or in building trades, on scaffolding, or in manufacturing plants or in any concert hall, exhibition, theater or other show.

The hours when children under sixteen may be employed in mills, factories and manufacturing plants is limited to six days or sixty hours per week and not more than eleven hours in any one day, and work in such places is forbidden between 6 p.m. and 6 a.m.

Between sixteen and eighteen years of age the restriction forbids work in any mill, factory or manufacturing plant for more than eight hours in any one night.

Women and boys less than sixteen years of age are forbidden to work in any mine.

There is no law regulating commercial vice, or "Red Light" ordinance.

The earnings of the wife and damages accorded her for personal injuries belong to her separate estate. The wife may sue and be sued on all of her contracts and torts, but she cannot transfer real property unless her husband joins in the act unless he has abandoned her, is insane, a non-resident or is imprisoned for a term of not less than two years, then she may be authorized by the court of her

domicile. The wife cannot become surety for her husband in Alabama.

While the Child Labor Law making some restrictions on hours when children may be made to work, compelling education, and making some provision for the protection of women is creditable to the fair State of Alabama, and to other States which have made this start in the right direction, it would appear that there is room for added legislation while children between fourteen and sixteen may be worked "not more than sixty hours" in six days and not more than "eleven hours in any one day." Husky members of labor unions in the east and west would make strenuous objection to such long hours and it would seem in a southern climate boys of less than eighteen years could not be expected to better stand the ten or eleven hour day strain.

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### ARIZONA.

The State of Arizona has not many laws particularly burdensome to women. There is little discrimination between the sexes in the laws of this liberal State. There is the community property law between husband and wife and the rights of either are the same with regard to the descent of community property or their separate estates. The wife retains the control of her separate estate. If she is living apart from her husband her earnings and those of her minor children belong to such separate estate. If a woman lists the property she owns at time of marriage, and puts it on record, such act maintains the exclusive use and benefit of such property to her and holds it free from liability for debts of the husband. The community property, that acquired after marriage by both, is liable for the support of the conjugal home. The husband cannot convey any real property belonging to the community without the consent and signature of his wife. The one advantage that the husband has is in regard to the control of the community personal property,

which, during coverture, may be disposed of by the husband only. Also the wife cannot make contracts binding on the community property; she can only contract with regard to her separate estate and the husband is permitted the sole right to contract with regard not only to his separate estate but the community. Speaking of this last provision of the law, Alice M. Birdsall, a very successful woman lawyer of Phoenix, Arizona, says: "While this provision might be deemed to work a certain hardship on married women, I presume that since the support of the family devolves upon the husband it is considered fair to give him a little more control than the wife in the community estate. I rejoice in the liberal laws of the State of Arizona."

Among other grounds on which divorce will be granted is desertion of one year; if either party has been convicted of a felony prior to marriage and the other party has no knowledge of same, cruelty, non-support and habitual drunkenness.

The female can contract a valid marriage at fourteen with the consent of parents and at eighteen without parental consent.

The inheritance tax on estates is as follows: Grandfather, grandmother, parents, husband, wife, child, brother, sister, son- or daughter-in-law one per cent. \$5,000 is exempt to each beneficiary above named.

To uncle, aunt, niece or descendant thereof, two per cent. \$2,000 is exempt to each beneficiary named. Estates of less than \$5,000 are exempt.

To others than the relatives named three per cent is taxed up to \$10,000, four per cent from ten to twenty thousand, five per cent. from twenty to fifty thousand and six per cent. on amounts above that figure. \$500 is exempt.

The age of consent in Arizona is eighteen years and the crime of rape is punishable by not less than five years imprisonment.

Equal suffrage has been in effect since 1914 and Arizona is a Prohibition State.

Boys under eighteen are prohibited from working in underground mines and no child under fourteen may be employed in gainful occupation during school hours.

No boy and no female under sixteen may be employed in underground mines, quarries or coal breaker.

Boys of less than sixteen years and girls of less than eighteen are prohibited from working more than eight hours in each day or between 7 p.m. and 7 a.m.

Boys between ten and fourteen may be specially permitted by license to sell papers or do other work not harmful morally or physically, outside school hours.

Children under sixteen are prohibited from working in places of danger morally or physically.

No minor or woman may be employed in a bar room.

Boys under ten and girls under sixteen are prohibited from selling papers on the streets. Messenger boys under twenty-one are prohibited from working after 10 p.m. and before 5 a.m.

Women are prohibited from working more than eight hours in any twelve hour day and one hour must be allowed for meals. But if the week comprise six days only then on one day in the week the woman may work for ten hours.

It was Arizona which first established the "honor system" in prisons. Soon after corporal punishment was abolished in 1911 Miss Kate Barnard, known throughout the country as "Oklahoma Kate," was invited by State Warden Simms, of the prisons at Florence, Arizona, to be the guest of the State and to help him evolve some humane method of aiding the prisoners to leave the institution bettered and not degraded by the incarceration. Miss Barnard went to Florence and lived within the prison studying the prisoners and conditions with the result that she established the "Mutual Improvement League." Miss Barnard



says of her experience of that visit to the Florence prison: "There were signs of mutinous dissatisfaction on the part of some of the inmates, and it was seriously considered whether it would be necessary to make an example of the supposed ringleader by putting him in solitary confinement, as had been done with such cases in the old days. I saw at once that the human factor involved was that of jealousy. This man, a "lifer," of brilliant attainments, was thought by a prison official, not the warden, to be getting too strong a hold over the other prisoners. I solved the problem by establishment of a Mutual Improvement League. Thus the honor system at last became a reality. The ultimate triumph of it was achieved near the end of my six weeks' stay, when I had that same "lifer" drive me to church, a distance of about four miles, and back again, without the escort of an armed guard or any physical duress whatever."

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### ARKANSAS.

A married woman, by first obtaining the consent of the court of her domicile, may contract with regard to any business she may conduct, but she is prohibited from acting as executrix of an estate. She may bequeath or convey her separate property, and if a list of her property is recorded such property is exempt from liability for the debts of her husband.

The estate, upon the death of either, goes to the survivor if there are no surviving ascendants or descendants. In any event the widow is entitled to one-third of the personal property and her dower of one-third in all real estate. She is entitled to homestead rights.

Arkansas has an Industrial Welfare Commission which regulates the hours and wage rates of women.

Women and boys of less than fourteen years are forbidden entering or working in mines. Children under fourteen are not permitted to work in gainful occupations except for parents or guardians out of school hours. Children under sixteen are prohibited from working in places dangerous morally or physically and they are prohibited from working where intoxicating liquors are sold; and under this age restriction they are permitted to work only if they have passed four grades in the public schools, or the equivalent.

Children under sixteen are prohibited from working more than eight hours in any one day, and between sixteen and eighteen more than ten hours in each day.

Children between eight and sixteen must attend school at least half of each public school session unless the child's labor is necessary for self support or the support of a widowed mother or disabled father.

Seats must be provided in mercantile establishments for girls and women.

The guardianship of children is given to the father except in cases where the courts decree otherwise in divorce proceedings.

Among other reasons for divorce Arkansas provides relief for habitual drunkenness, cruelty and desertion of one year.

Female of fourteen may contract a valid marriage with the consent of parents and without parental consent at eighteen years.

The inheritance tax against estates is as follows: To parents, husband, wife, child, brother, sister, son- or daughter-in-law, one per cent on amounts exceeding \$5,000.

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## CALIFORNIA.

California is in the very front rank among the few States which have recognized women citizens as equal in

the law and it is both enlightening and pleasant to go rather fully into the provision made for them by its amendments and legislative Acts. Jack London, who could attune his pen to his poetic soul, and who could bring from the music of his descriptive language pictures keen and vivid, liked to present California as a very Eden. Assuredly that locality which was so great an inspiration to him and has been to so many others, that State which has produced the best of everything, might well be expected to give to the minds and character of its people the strength and breadth which assure fairness and justice to women as well as to men.

The married woman in California can contract freely with respect to her separate estate or any business in which she may be engaged and she may contract with her husband, even to the extent of entering into a valid agreement of separation, whereby individual domiciles may be maintained and the care and custody of the children provided for.

At the time of its adoption in 1879 the Constitution of California provided (Art. XX, Sec. 18) that: "No person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation or profession." It provided also that women should not be barred from any department of the State University. Under the foregoing provisions women in California have had many years of opportunity and in October, 1911, the last provision discriminatory against women was removed from the Constitution by the "Suffrage Amendment." In 1914 provision was made for a minimum wage law for women, so that on its face, the present Constitution of California shows only one inequality between men and women, and that is in favor of women. Under this law there has been created a Welfare Commission composed of five persons, one of whom must be a woman, and the Commission investigates the wages and conditions under which women work, and it has the power to make rulings with the force of law.

The Codes still contain many laws remaining from what may be called the earliest regime, some in favor of and some against the best interest of women. But an unmarried woman is as free to contract, to sue and defend as an unmarried man. She may even sue for her own seduction (C. C. P. 374). In the whole body of the civil law there appears but one discrimination against her, and that one is the rather unimportant one that brothers of a decedent are entitled to letters of administration before sisters (C. C. P. 1365). And, in general, except as to community property, which represents the asset in which both husband and wife are owners, a married woman has the same freedom of action which the unmarried woman has.

Section 158 of the Civil Code provides that "either husband or wife may enter into any engagement or transaction with the other or with any other person, respecting property, which either might if unmarried." This is slightly modified by the chapter in the same code on Homesteads, but the modification discriminates against the husband rather than the wife.

The Constitution provides that the separate property of husband or wife shall consist of all property owned by him or her before marriage and that acquired afterwards by gift, bequest, devise or descent, with the rents, issues and profits thereof. The Civil Code (sec. 164) supplements this by establishing certain presumptions in favor of the wife: Where property is conveyed to a married woman by an instrument in writing it is presumed, unless otherwise specified in the writing, that it is to be held as her separate property; and in case of a similar conveyance to husband and wife it is presumed, unless otherwise specified, that the wife takes as tenant in common. An additional advantage is given to the wife by the fact that the earnings and accumulations of the wife and of her minor children, living with her while she is living separate from her husband, are her separate property (C. C., 169).

The wife may convey her separate property without her husband's consent (C. C., 162). She may make a grant of realty in the same manner as though she were unmarried (C. C., 1093); and may give a power of attorney for the disposal of real or personal property in the same manner as though she were unmarried (C. C., 1094). Under the Banking Act she may have a bank account in her exclusive right free from the control of her husband. She may dispose of all of her separate property by will without the consent of her husband, and may alter or revoke the will in like manner as though she were single (C. C. 1273). However, a will executed by a woman is revoked by her subsequent marriage and is not revived by the death of her husband (C. C., 1300), while in the case of a man the will is revoked only if the wife survives him and is not provided for by marriage contract nor mentioned in the will (C. C., 1299). A married woman may be executrix or administratrix of a will. The authority of an executrix or administratrix is not affected by her subsequent marriage (C. C. P., 1352, 1370). A married woman's right to her separate property is protected by a provision that she may make and file for record an inventory thereof and that the filing of such inventory is notice and **prima facie** evidence of her title (C. C., 165, 166).

The separate property of the wife is liable for her own debts contracted before or after marriage, but it is not liable for the debts of her husband, except that property acquired by her by gift from him after marriage is liable for debts contracted by either of them for necessities furnished either or both while they are living together (C. C., 171). Neither is the separate property of the husband liable for the debts of the wife; and (by an amendment of 1913) the husband is exempted from liability for the wife's torts except where, without the marriage, he would be jointly liable.



As to a married woman's right to sue and defend: When the action concerns her separate property, or when it is between her and her husband, or when they are separated by his desertion or by agreement she may sue and be sued alone (C. C. P., 370). And in any case when both are sued she may defend, and if her husband fail to do so may defend him also. In case of the death of the father or his desertion of his family the mother may sue for the seduction or for the injury or death of a minor child (C. C. P., 375, 376).

The real discrimination against women in California concerns the rights of parties to a marriage to the control of the community property. Community property includes all acquired by either husband or wife during the marriage, except that acquired by gift, bequest, devise or descent with its rents, issues and profits, and except also the earnings and accumulations of the wife and her minor children with her while she is living separate from her husband. The property rights of husband and wife are governed by the provisions of the Civil Code unless there is a marriage settlement (C. C., 177). A marriage settlement contract may be recorded (C. C., 179). The recording or non-recording of such a contract has the same effect as the recording or non-recording of a grant of real property (C. C., 180).

"The husband has the management and control of the community property, with the like absolute power of disposition, other than testamentary, as he has of his separate estate; provided, however, that he cannot make a gift of such community property, or convey the same without a valuable consideration, unless the wife, in writing, consent thereto; and provided also, that no sale, conveyance or encumbrance of the furniture, furnishings and fittings of the home, or of the clothing and wearing apparel of the wife or minor children, which is community property, shall be made without the written consent of the wife." (C. C., 172).

This power does not extend to the homestead, which may be selected from the community property, or from the separate property of the husband, or, with her consent, shown by her making or joining in the declaration of homestead, from the separate property of the wife. The husband, as head of the family, may select the homestead, but if he does not do so the wife may. It may not be conveyed or encumbered except by an instrument executed by both husband and wife (C. C., 1242); and it may be abandoned only by declaration or deed executed by both (C. C., 1243).

The property of the community is not liable for the contracts of the wife made after marriage unless secured by a pledge or mortgage thereof executed by the husband (C. C., 167). On the other hand the wife's earnings, though community property, are not liable for the debts of the husband (C. C., 168).

Certain rights to the control of community property are saved to a married woman by Title XII of the Code of Civil Procedure, relating to "Sole Traders." Under its provisions, when her husband fails to support her she may petition the Superior Court of the County where she resides for permission to become a sole trader. If it is granted she may carry on in her own name the business specified in the petition. She may invest in the business a sum not exceeding five hundred dollars derived from the community property or the separate property of her husband. The property invested and the profits thereof belong exclusively to her and are not liable for the debts of her husband, and on causes arising from the conduct of the business she may sue and be sued alone. Her husband is not liable for any debts contracted by her in the course of her sole trader's business unless contracted upon his written consent. A married woman who is adjudged a sole trader is liable for the maintenance of her minor children.

Upon the death of the husband only one-half of the common property goes to the surviving wife, the other half

being subject to his testamentary disposition and in the absence thereof going to his descendants or, if there are none, to his heirs. But the entire community property is equally subject to the debts of the deceased husband and the expenses of administration (C. C., 1402). However, the widow and minor children, until letters are granted and the inventory returned, are entitled to remain in possession of the homestead, wearing apparel and household furniture and are entitled also to a reasonable provision for their support (C. C. P., 1464).

Upon the death of the wife all the community property goes to the surviving husband without administration, excepting such part as has been set aside to her by judicial decree, which part is subject to her testamentary disposition and in the absence thereof goes to her heirs, exclusive of her husband.

These rules, however, do not apply to the homestead. If it has been selected from the community property or from the separate property of the spouse making the selection, on the death of either it vests in the survivor. In other cases, upon the death of the person whose property was selected it goes to the heirs or devisees, subject to the power of the Superior Court to assign it for a limited period to the family of the decedent (C. C., 1265).

To off-set the rights of the husband in regard to the community property the wife is entitled to support from him. If he does not give it any other person may provide her with necessaries and recover from him the reasonable value thereof (C. C., 174); excepting that when she has abandoned him (unless she was justified by his misconduct) he is not liable until she offers to return, and excepting also that he is not liable when she is living separate by agreement unless stipulated in the agreement (C. C., 175). But the wife must support the husband out of her separate property and there is no community property if he is unable, from infirmity, to support himself (C. C., 176).

The husband, however, is the head of the family, and may choose any reasonable and fit place and mode of living and if the wife does not conform thereto it is desertion. (But if the place or mode of living he selects is "unreasonable and grossly unfit" it is desertion on his part from the time she objects.) On the other hand, wilful neglect of the wife by the husband, i. e., his failure to provide necessities for her, if continued for one year is a cause for divorce. In any action for divorce, even where the divorce is denied the court may provide for the maintenance by the husband of the wife and children (C. C., 136). When such an action is pending "the court may, in its discretion, require the husband to pay as alimony any money necessary to enable the wife to support herself and her children, or to prosecute or defend the action" (C. C., 137).

When the husband deserts the wife or fails to provide for her or when she has an accrued cause for divorce she may, without applying for divorce, maintain an action against him for permanent maintenance of herself or of herself and her children (C. C., 137).

The husband may be required to pay alimony during the pendency of this action also. The judgment may be enforced by order of the court, which may be altered or revoked at any time in the discretion of the court.

When a divorce is granted for an offense of the husband the court may compel him to provide for the maintenance of the children and to make such suitable allowance to the wife for her support during her life or for a shorter period as the court may deem just. And the court may from time to time modify its orders in this respect.

As regards the personal relations of husband and wife they stand on a fairly equal footing. And this is true in more than the technical sense, for the law seems in a measure to equalize the differences that must necessarily arise from the nature of the relationship and our social customs. Both husband and wife have five causes for

divorce: adultery, extreme cruelty, desertion, habitual intemperance, and conviction of a felony. The wife has one more, mentioned above: wilful neglect. She is protected from the man's superior physical strength even when she cannot prove extreme cruelty by a provision that if one party leaves the home because of cruelty or threats of bodily harm it is not desertion by the absent party but by the other (C. C., 98). And refusal of reasonable matrimonial intercourse is desertion only "when health or physical condition does not make such refusal reasonably necessary" (C. C., 96).

The injustice or hardship upon the wife really arises from the right of the husband to control the community property. This leaves her economically dependent upon him, and it may be difficult for her to get a reputable attorney to handle her case, or even, sometimes, to raise the necessary court costs to start proceedings. "This difficulty," declares Margaret Gardner, the woman lawyer and Deputy Prosecutor of Los Angeles, "is not entirely obviated by the provision that 'the court in its discretion' may order the husband to pay her expenses of suit, as, of course she has to raise the money first in order to take advantage of that provision. I know of one woman whose cause for divorce, adultery, and a flagrant case, was lost by a lapse of time before she could, while supporting herself and children, save enough money to sue." As it is unethical for an attorney to advance the costs in a divorce case or to take such a case on a contingency basis, the one person who best knows the merits of the claim is barred from filling the financial breach. While it is true that the wife's earnings after she leaves her husband are her separate property, too often after "making a home" she is fitted for nothing but housework, she is quite out of touch with the trades and professions by which she might earn a decent income, and, especially if she has the encumbrance of children, she is at a serious disadvantage. The difficulty is not easy to surmount for it may



be questioned whether giving the wife a share in the control of the community property is practicable, or, if practicable, if it would be a remedy. The wife, under the present system is economically dependent on the husband because it is not customary for married women to do work that brings in money. That economic dependence is the fundamental inequality. What is really necessary is a change in sentiment and custom, which would cause as a sequence a change of law.

Regarding the right to the custody and the duty of supporting children the discrimination in California seems somewhat in favor of the mother as against the father. At the first session of the legislature after the Suffrage Amendment, Sec. 197 of the Civil Code was amended to give the mother an equal right with the father to the custody, services and earnings of a legitimate unmarried minor, even (Sec. 198) while the parents are living separately. In the same year Section 196a was added making the father as well as the mother of an illegitimate child liable for its support and education, though the mother is still (Sec. 200) entitled to its custody, services and earnings. The mother, on the other hand, is liable for the support and education of a legitimate child only in case that which the father is able to give is inadequate (Sec. 196).

A guardian of a legitimate child may be appointed by will by the father with the written consent of the mother, or by either if the other be dead or incapable of consent. The mother only of an illegitimate child has power to make such an appointment.

In the penal law such discrimination as appears is rather in favor of women than against them. Section 26 of the Penal Code provides that "married women (except for felonies) acting under the threats, command, or coercion of their husbands" are not capable of committing crimes.

Sections 270a, 270b, 270d, and 273h have recently been added. The three first named provide for the punishment

(as a felony or misdemeanor in the discretion of the court) of husbands who fail to provide for their wives, for the suspension of proceedings in such a case upon surety being given for provision for the wife, and for the payment (in the discretion of the court) of any fine imposed to the wife. Section 273h provides that defendant in such a case may be sentenced to work on public work, and that if he is so sentenced the county supervisors may order a sum, not to exceed \$1.50 for each day's work, to be paid to the wife. In practice this law does not work out as favorably to the wife as might appear on its face, for it is not often enforced except when she is left with small children on her hands, as juries are ready to see the power it might give a selfish or unscrupulous woman over her husband.

Working women are given especial protection from industrial wrongs by two penal statutes (not embodied in the Code), one prohibiting the employment of women at less than an adequate living wage, and the other prohibiting the employment of women in certain occupations for more than eight hours a day or forty-eight hours a week.

"The penal laws protecting women are fairly complete and satisfactory in California," declares Miss Margaret Gardner. "There are several sections of the Penal Code forbidding, as felonies, the abduction of women, seducing them for the purpose of prostitution or holding them under duress for that purpose, and buying or selling them. The section punishing seduction under promise of marriage, however, has been interpreted as not covering cases where th man acts under the cloak of a former marriage, promising an immediate divorce and marriage as soon as he is "free." But young girls are protected from such men by the fact that the age of consent in rape cases is eighteen years. A provision that when the girl is over sixteen but under eighteen the offense may be punished as a misdemeanor makes it enforceable in practice. Panderers are punishable as felons.

"The penal law regarding prostitution is one-sided, at least in its enforcement, as the prostitute is punished as a vagrant while the man who employs her is not. This distinction is, perhaps, not intrinsic in the law, but arises rather in its customary application. That a public sentiment is growing which may soon change this condition is indicated by the fact that in some cities—Los Angeles, for example—ordinances are in force under which both are punished in cases of resort to rooming-houses, hotels and other public places.

"A brief comment upon actual conditions in California," continues Miss Gardner, "is perhaps necessary: It must be borne in mind that just statutes do not necessarily give justice and equality before the law, nor does it mean equality before the law's administrators. For example: there is nothing in the law of California to prevent the selection of women for jury duty, but as a matter of practice they are almost never so selected. Instances might be multiplied of cases where law and custom do not coincide.

"This is due to a prejudice among men which (I speak from personal experience) can be overcome if women who go into the professions or into public office without demanding especial consideration or especial privilege and quietly, by real effort and ability, succeed. The method of forcing public opinion by means of legislation creating special offices for women is deplorably short-sighted. For instance: Los Angeles has five police judges; there is nothing in the law to make women ineligible for the office of judge; but it was attempted to force the enactment of a law creating the office of "woman police judge." Fortunately the effort failed. Such a law would, by implication, make women ineligible for the five other offices and take from them their equality with men before the law. To a certain extent, public opinion governs the administration of the law. But without equal laws public opinion cannot give equality.

"Watchful waiting" and quiet preparation for the oppor-

tunities that are coming to them is all that California women need to gain perfect equality. They should adopt Charles Kingsley's rule as amended by Mr. Eugene Manlove Rhodes: "Make good, sweet maid, and let who will be clever."

Minors in California who are less than fifteen years of age are not permitted to work in gainful occupations, except that minors between twelve and fifteen are permitted, with stipulated consent, to work in vacation and out of school hours if they have certain prescribed school certificates and are physically able.

Children under sixteen are not permitted to work in places physically or morally dangerous.

Minors under eighteen are prohibited from working more than eight hours in any day or between 10 p.m. and 5 a.m., and minors under eighteen are not permitted to distribute messages between 9 p.m. and 6 a.m.

School attendance is made obligatory except where children have certificates which have been issued for the reasons legally provided entitling them to work.

California has the "Red Light" or "Abatement Law" which provides that where a building has been used for immoral purposes it shall be closed for one year, on conviction of the proprietor.

In 1915 Orfa Jean Shonts was appointed Referee in Juvenile Court matters at Los Angeles, with all of the powers of a referee in Chancery Courts or the judge thereof and Judge Shonts, in establishing her court appointed women as bailiffs, clerks, etc., and between Nov. 1, 1915 and Nov. 1, 1916 there was disposed of by her 1,575 cases.

With parents consent a girl may marry in California at fifteen years, and without parental consent at eighteen.

The inheritance tax on property is as follows:

To husband or wife, ascendants or descendants, one per cent. to \$25,000, two per cent. from \$25,000 to \$50,000, four per cent. from \$50,000 to \$100,000, seven per cent. from

\$100,000 to \$200,000, ten per cent. from \$200,000 to \$300,000 \$24,000 is exempt to widow or minor child, and to the other beneficiaries herein named \$10,000 is exempt.

Under the California Constitution there is a provision for needy orphans which requires the State to provide \$100 per annum for each orphan and \$75 per annum for each half-orphan under the age of fourteen years and by an amendment in 1913 it is further provided that "in addition to the amount paid by the State for each orphan maintained at home by the mother, the county, city and county, city or town may pay for the support of such orphan or half orphan an amount equal to the sum paid by the State."

San Francisco in 1916 established a Night Court and a Woman's Court where only women offenders are tried and to this latter court San Francisco has set the good example of appointing as prosecutor a woman, Mrs. Jean De Greayer.

Margaret Gardner says of the laws of her State: "I may say that the inequalities of our laws are largely in favor of women, rather than against them. This is especially true since the Amendments following the Suffrage Amendment. I think the status of women in California of especial interest from that very fact."

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### COLORADO.

The woman who familiarizes herself with the outlines of the laws of Colorado, California and other Western States must realize what a great service to womankind these States have conferred in their broad and beneficent legislation for women and minors. The women of the West are the pathfinders in the law for their sisters elsewhere. Gladys Fox, one of the foremost women lawyers in the West, from her office at Sterling, Colorado, sends for the consideration of other women, the following Colorado laws which have been in effect and found good for the woman citizen:



Sec. 4189, Colo. Stat. Provides: "Any woman may, while married, execute any bond, bill, promissory note or other instrument in writing for the direct payment of money, and if the consideration thereof went to the benefit of her estate she shall be liable therefor in an action at law, and a judgment obtained against her thereon in a court of record shall be a lien on her real estate, and execution may issue on such judgment as in other cases."

This gives to a woman the same right to bind and obligate herself which is man's, and the woman citizen having that right should be, and usually desires to be, held to the same accounting. It is the surest way to teach women to walk alone. It is a condition of servitude when the law of a State withholds from married women the right to contract freely and to be held for their contractual obligations.

Sec. 4191, Colo. Stat. Provides:

"Any woman while married may contract debts in her own name and upon her own credit and may execute promissory notes, bonds, bills of exchange and other instruments in writing and may enter into any contract the same as a sole."

The court in the case of *Button vs. Higgens*, 5th Ann. p. 167, says: "The business affairs with regard to which a married woman can contract is unlimited."

Sec. 4190, Colo. Stat. Provides:

"That hereafter any woman, while married, may bargain, sell or convey her real and personal property, and enter into any contract in reference thereto as if she were sole."

Sec. 4181, Colo. Stat. Provides:

"The property, real and personal, which any woman in this State may own at the time of her marriage, and the debts, issues, profits and proceeds thereof, and any real, personal or mixed property which shall come to her by descent, devise or bequest, or the gift of any person except her husband, but including gifts from her husband as

jewelry, silver, tableware, watches, money and wearing apparel, shall remain her sole and separate property, notwithstanding her marriage, and is not subject to the disposal of her husband or liable for his debts."

Sec. 4182, Colo. Stat. Provides:

"Any woman may, while married, sue and be sued in all matters having relation to her property, person or reputation in the same manner as if she were sole.

Sec. 4183, Colo. Stat. Provides:

"Any married woman may carry on any trade or business and perform any labor or service on her sole and separate account, and the earnings of any married woman, from her trade, business labor or services shall be her sole and separate property and may be used and invested by her in her own name; and she may sue and be sued as if sole in regard to her trade, business, labor, services and earnings and her property acquired by trade, business and services, and the proceeds thereof may be taken on any execution against her."

Sec. 4188 Colo. Stat. Provides—

"The separate deed of the husband shall convey no interest in the wife's lands."

Sec. 514, Colo. Stat. Provides:

"That any chattel mortgage upon, and any sale of the household goods used by the family, when given or made by the husband or wife residing with the other, shall not be valid unless executed or made by the husband and wife jointly."

Sec. 7006, Colo. Stat. Provides:

"No assignment of his wages or salary by a married man, who shall be the head of a family residing in this State, shall be valid or enforceable without the consent of his wife, evidenced by her signature to said assignment executed and acknowledged before a Notary Public or other officer empowered to take acknowledgments of conveyances, and no wage broker or person connected with him indirectly

or directly shall be authorized to take any such acknowledgment."

Sec. 7014, Colo. Stat. Provides:

"No assignment of wages not already earned at the time of such assignment and no assignment of any sum to become due the assignor after the date of such assignment shall be valid, unless, if the assignor be a married man or woman and residing with a wife or husband, such wife or husband shall join in and shall sign such assignment."

No husband or wife can devise or bequeath away from the other more than one-half of his or her estate without the consent in writing of the other. Thus does Colorado secure to the woman an exact equality with the man in property rights, and the husband in Colorado cannot say, as husbands can in many of the other States: "What is my wife's is mine, and what is mine is my very own."

An Act relating to Wills Provides:

Sec.1—"Every person aged twenty-one years, if a male, or eighteen years if a female, being of sound mind and memory shall have the power to give and devise, by will or testament, any or all of the estate, right, title or interest in possessions, reversion or remainder, which he or she hath, or at the time of his or her death shall have, of, in and to any lands, tenements, hereditaments, annuities or rents, charged upon or issuing out of them, and every person of the age of seventeen years shall have the power to give and bequeath by will or testament, any or all of his or her, goods, chattels and personal estate of every description.

If any testator or testatrix, leaving a wife or husband, him or her surviving, shall by will give, bequeath or devise away from such surviving wife or husband more than one-half of his or her property or estate, such surviving wife or husband more than one-half of his or her property or estate, such surviving wife or husband may, in her or his option, and notwithstanding such will, take and receive one-half of the property or estate, both real and personal of

such testator or testatrix: Provided such surviving wife or husband exercise such option by filing in the county court in which such will is admitted to probate, within six months thereafter, her or his election in writing, to take and receive one-half of said property or estate and upon the filing of such election within said time, any such will shall be conclusive evidence of the consent of the surviving wife or husband to the provisions of such will.

There is a commission which regulates the wages of women and children, and they must be paid the "necessary cost of living, to maintain them in health and to supply the necessary comforts of life." Under sixteen years of age minors cannot work in underground works, mines, etc. Under ten girls cannot sell papers or other matter on the streets or in public places. Under sixteen years of age minors are prohibited from working where liquor is sold.

Colorado has compulsory education for children under fourteen years of age.

There must be seats for women in manufacturing and mercantile establishments.

Colorado has a Mothers' Pension Law and is a Prohibition State and has equal suffrage for men and women.

The age of consent is eighteen years and the penalty for rape is imprisonment from three years to a life term.

There is an inheritance tax on property passing to husband, wife, ascendants or lineal descendants, brother or sister, of two per cent. above \$10,000 which is exempt. To uncle, aunt, niece, or their descendants, three per cent. To all others the tax is three per cent. from \$500 to \$10,000, four per cent. on \$10,000 to \$20,000, from \$20,000 to \$50,000 it is six per cent.

Broadly speaking the State of Colorado secures as the separate property to the wife all that she owned at the time of her marriage or afterward acquired. She can contract as a sole, her earnings go to her separate estate and remain

entirely under her control, and her property is not liable for the debts of her husband. Neither husband nor wife can alienate by will more than half of his or her estate.

The prohibition placed upon the pledge of a man's wages, unless the pledge is concurred in by the wife, and such concurrence is voluntary and so evidenced by the affirmation of the notary that he knows the woman and has questioned her apart from her husband and she has declared herself willing the wages of her husband shall be pledged, is far reaching in its protection of women and children. It secures to the home of the wage earner the support due and protects men from themselves.

The laws regulating divorce are as follows:

First. That the spouse from whom a divorce is sought was impotent, or became impotent through immoral conduct committed after the marriage.

Second. That the spouse had a husband or wife living.

Third. That the spouse has committed adultery since the marriage.

Fourth. That the spouse has wilfully deserted the other spouse for the period of one year.

Fifth. That the spouse has been extremely and repeatedly cruel towards the other spouse.

Sixth. That the husband, being in good bodily health, has failed to make reasonable provision for the support of his family one year or more.

Seventh. That the spouse has been a habitual drunkard or drug fiend.

Eighth. That the spouse has been convicted of a felony.

A divorce shall not in any wise affect the legitimacy of any child of a marriage, nor its right to inherit the property of its father and mother.

No person shall be granted a divorce unless such person has been a bona fide resident and citizen during one year.

In any action for divorce the defendant may file a



cross complaint in which may be set forth any one or more causes for divorce against the plaintiff; and if upon the trial of such action both parties shall be found guilty of any one or more of the causes for divorce, then a divorce shall not be granted to either of said parties.

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### CONNECTICUT.

There is no age limitation in the Connecticut laws for contracting marriage, and once married the laws are not friendly to untying the agreement. A residence of three years within the State is necessary to entitle the citizen to apply for divorce and, among other grounds for divorce are desertion and total neglect of duty for three years, habitual drunkenness, cruelty, or if one of the spouses has left the marital abode and has not been heard from in seven years.

There is a distinct line of demarkation in the property rights of persons married subsequent to 1877. Parties married before April 20th, 1877, may, by written contract, duly recorded, substitute for their rights as existing at that date those given to parties thereafter married. The husband married before April 20th, 1877, has a right to the use of the wife's real estate during her life and an estate by curtesy after her death. All the personal property of any woman married since the 22nd of June, 1849, and before April 20th, 1877, and all of the personal property acquired thereafter by a married woman, and the avails of such property if sold, shall vest in the husband in trust, to receive and enjoy the income thereof during his life, subject to the duty of spending therefrom so much as may be necessary for the support of his wife and children. Upon his death the remainder of the trust property shall be transferred to the wife, if living, otherwise as she may by will have

directed, or in default of such will to those entitled by law to succeed to her estate. A marriage contract after April 20th, 1877, gives neither the husband nor wife any interest in the property of the other, except as a survivor. Her earnings are her own property. The property of either is not liable for the debts of the other, unless they be for the support of the family for which the husband is liable. On the death of either the survivor has the use for life of one-third of the property, real and personal, which right cannot be defeated by the will of either. If there be no will the survivor takes one-third absolutely, and if there is no issue, one-half. They may contract either before or after marriage for a provision in lieu of this statutory share.

The inheritance tax on property passing to husband, wife, ascendant or descendants, is one per cent. from \$10,000 to \$50,000, two per cent. on \$50,000 to \$250,000, three per cent. on \$250,000 to \$1,000,000.

The father and mother are given equal rights in the custody and guardianship of their children.

Minors and women are prohibited from working more than ten hours in any day or more than fifty-eight hours in a week. This regulation to ten hours must be considered as beneficent—many people believe electrocution kinder than hanging by the neck until dead. With so great a number of cotton and other manufacturing plants as operate in the State of Connecticut wherein women and children are so largely employed it would seem that the "woman's influence," minus a woman's ballot, has left much to be desired.

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### DELAWARE.

The State of Delaware declares the personal property owned by the wife at the time of her marriage or acquired

by her after her marriage is her separate property not subject to the disposition of her husband nor liable for his debts, but the wife cannot dispose of this property, notwithstanding it is her "very own," without the consent of her husband. Nor can a married woman mortgage her separate real estate without the consent of her husband.

The earnings of a wife are her separate property and not subject in any way to the husband's authority.

A widow is entitled to dower, as at common law, but if the husband dies without leaving issue she is entitled to one-half instead of one-third of the real estate.

Minors under twelve years are prohibited from working in factories, but canneries where perishable vegetables and fruits are canned are excepted.

Minors under fourteen are not permitted to work at any gainful occupation during school hours.

No person of less than twenty-one years of age shall work in any bar room.

Children between seven and fourteen years must attend school at least five months in each year, and there is prohibition of employment of children in places dangerous morally or physically.

Seats must be provided in mercantile establishments for women.

One day in a week a woman may be employed for twelve hours, and in manufacturing establishments, laundries, printing plants, bakeries, telephone or telegraph offices they are limited to ten hours work a day.

The State of Delaware has no minimum age when minors may contract a valid marriage.

Among other grounds for divorce are desertion for two years or neglect to provide for three years, habitual drunkenness and cruelty.

There is no inheritance tax on property passing to husband, wife, ascendants or descendants. To all others there is an exemption of \$500 and above that a tax of one

per cent. to brothers, sisters or their descendants; two per cent. to great uncles, great aunts or their descendants. To all others five per cent.

Delaware has not only capital punishment and graduated fines and imprisonment for conviction of violations of the law, but sanctions whipping for certain offenses.

The control and guardianship of children is given preferably to the father and he may by will name a guardian even though the mother survive.

There is local option in several counties.

The age of consent is eighteen years and the penalty for rape is a fine of not more than \$1,000 or imprisonment for not more than twenty years.

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## DISTRICT OF COLUMBIA

Sec. 940 of the Code provides that if a person die intestate his real estate shall descend to his lawful heirs in the direct line of lineal descent equally. Sec. 955 provides that both in the descending and collateral lines the inheritance shall be distributed per stirpes—"They shall, by representation, be considered in the same degree as the father or mother would have been if living, and take the share that would have gone to the deceased parent." If there are no lineal descendants the estate, if acquired from the father, goes to the brothers and sisters of the blood of the father or their representatives, then to the grandfather and his descendants until the heirs fail and then to the mother and her descendants and to maternal ancestors and their descendants. When the estate comes by inheritance from the mother it goes to her brothers and sisters of the blood, then ascends to the mother's ancestors. Emily A. Spillman, a woman lawyer of the Bar of Washington City explains the laws of intestacy and descent further in an article under that head, as follows:

"The inheritance in the husband or wife of the intestate

is deferred until all of these designated lines fail. If the husband or wife should be dead, then the inheritance passes to the kindred of such husband and wife, and where the intestate had been more than once married and the several husbands and wives have died before the intestate, the estate shall be divided among the kindred of all of them in equal degree equally.

Ante-nuptial children are made legitimate upon the marriage of their parents, and capable in law of inheriting and transmitting property as though born in wedlock.

Illegitimate children can inherit from their mother or from each other or the descendants of each other, the only exception being, that the child cannot take by inheritance from the mother if she was mentally incapable of making a will and remained so until her death. The mother can inherit from the child when descendants or brothers or sisters and their descendants fail, and if the mother is dead, her heirs can take as though the child had been legitimate."

The labor laws in effect in the District of Columbia are the work of Congress and provide that children under fourteen years of age shall not be employed in any occupation dangerous to life, limb or morals nor in any factory, mill, workshop or mercantile establishment, nor after seven in the evening or before six in the morning. Only in the event that labor is necessary for the support of the child or an invalid father, mother, younger brother or sister may children between twelve and fourteen be employed in any gainful occupation. Children between fourteen and sixteen must have school certificates if permitted to work. Boys under ten and girls of less than sixteen years of age are prohibited from selling papers or merchandise on the public streets or in public places without a badge or permit issued by the Superintendent of Schools.

Seats must be provided for females who work in stores, offices, shops or manufactories.

The District of Columbia has a Red Light Injunction and Abatement Law.



The age of consent is sixteen and the punishment for rape of a woman is imprisonment from five to thirty years.

Marriages may be annulled for lunacy, fraud, coercion, physical incapacity and lack of having attained the proper age at time of marriage.

There is no inheritance tax on property.

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### FLORIDA.

Florida retains much of the sentiment of the old laws which obtained in all that section which was once French and Spanish territory, hence, while the property owned by a woman at the time of her marriage remains her separate estate and is free from liability for the debts of her husband, she cannot sell, mortgage or otherwise hypothecate it without the consent of her husband. She can make contracts with regard to this separate property—always, however, such contracts require the consent of her husband. In conveying her separate estate she must make a separate acknowledgment, apart from her husband, as well as the joint agreement of conveyance. From the time of marriage the wife's property passes under the management and control of the husband and there is no relief provided her in the law against her husband's mismanagement or recourse against him for rents, revenues, etc., from her separate property while under his management. The earnings of the wife belong to her to do with as she pleases.

There are laws in Florida regulating the hours of labor for minors but none for the protection of women who labor. A child less than fifteen years of age may not be employed for more than sixty days by any person, firm, corporation, etc., without the consent of the parents. Under sixteen years of age minors are prohibited from working more than nine hours each day.

No person less than twenty-one years of age will be

permitted to work in a saloon. There are regulations which are intended to insure seats to women employees in stores and to protect minors under sixteen from working in any place dangerous to morals or life and limb.

There is no inheritance tax on property.

Among other grounds for divorce are desertion of one year, cruelty, habitual drunkenness, violent temper and relationship within the prohibited degree.

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### GEORGIA.

All property of the wife at the time of her marriage, and all property acquired by her during coverture, is her separate property and is not liable for the debts of the husband, but she cannot sell, mortgage or otherwise hypothecate such property without the consent of her husband. The domicile of the husband is deemed the legal domicile of the wife, no matter where she lives. The husband is deemed the head of the marital partnership and is liable for the support of the wife and children.

A female of the age of fourteen may contract a valid marriage with the consent of her parents, or at eighteen without parental consent. Among other grounds for divorce are desertion of three years, cruelty, fraud in obtaining marriage and relationship within the prohibited degree.

There is an inheritance tax on property passing to husband, wife, lineal descendant, brother, sister or daughter-in-law of one per cent above \$5,000. To all other persons five per cent.

The labor day is restricted to ten hours, or sixty hours in a week, and by specific rule bosses and managers or overseers in factories are forbidden to inflict corporal punishment on minors and no child under twelve shall be sold, apprenticed, given away or hired out for rope or wire walking, or as gymnast or acrobat or for any indecent exhibition

or practice. Minors under twelve are forbidden to work in any mill or factory.

Children under fourteen are forbidden to work at gainful occupations unless it be necessary for their own support or that of a widowed mother, aged or disabled father, and work at night is forbidden.

Seats are required to be furnished for women employed in mercantile establishments.

The guardianship of children is left entirely to the discretion of the courts.

There is no "age of consent" in Georgia but the rule which has obtained in the United States, in the absence of special Statute, that a child of less than ten years would not be held to consent to her own defilement, has been followed. The penalty for rape is death.

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### ILLINOIS.

A married woman in Illinois may own in her own right real and personal property and she may manage, sell and convey the same; her earnings, and when invested, the rents, revenues and issues of such earnings, belong to her free from any control of her husband and she may sue and be sued in all matters relating to her own property or interest.

A married woman is not allowed to engage in business as a public merchant without the consent of her husband, unless her husband is insane, imprisoned or has deserted her, in which event she can be authorized to pursue her business without his consent.

The husband is chargeable with the maintenance of the conjugal home and the children, but if he has no means wherewith to meet the obligation and his wife has property she must meet the expense necessary for such maintenance as they are mutually and individually liable for the maintenance of the home and the education of their children.

A married woman may not enter a partnership without the consent of her husband and all of her contractual obliga-

tions must be based on the knowledge and permission and consent of her husband unless he is insane, imprisoned or has deserted her.

Illinois passed the first Mother's Pension law in 1911 and under it jurisdiction is given to the Juvenile Courts of destitute mothers and when they are found best fitted to care for their children, the State will grant fifteen dollars a month for one child, if there be more than one child, then ten dollars a month for each additional child, the whole not to exceed sixty dollars a month to any one family. This relief applies only to children under fourteen years of age, except in cases where the child is ill or incapacitated from work, in which event the relief may be extended until the child has reached the age of sixteen years.

The surviving wife or husband has the same rights in the estate, being one-third of all lands owned. If there are no surviving children or near kindred the surviving wife or husband is the heir of the entire estate. If there are children and husband or wife die intestate, one-third of the estate in real property goes to the survivor and one-third of the personal property. If husband or wife leaves a will and no descendants he or she may take one-half of the real and personal estate.

Women are prohibited from working in any mechanical or mercantile establishment, factory, laundry, hotel, restaurant, telegraph office, express or transportation company, or in any public institution for more than ten hours a day. Minors are not allowed to work for more than eight hours a day. Minors between fourteen and sixteen must have school certificates if they work. Minors and females are prohibited from working in saloons, or in places dangerous morally or physically and minors are prohibited from distributing literature in which there occurs stories of lust and crime and criminal news.

Illinois has many laws for the protection of women and minors who work in factories, mercantile establishments or

other places where females and children are employed, as to sanitation, fire prevention, seats, time for meals, etc.

There is an inheritance tax on property passing to husband, wife, descendants, brother, sister, son-in-law, daughter-in-law of one per cent on amounts from \$20,000 to \$100,000, and above \$100,000 two per cent.

A female of sixteen may contract a valid marriage with the consent of her parents and at eighteen without parental consent.

Among other grounds on which divorce will be granted are desertion of two years, habitual drunkenness of two years, and cruelty, and the law provides that the divorced party cannot re-marry within one year from the decree.

The age of consent is sixteen years and the penalty for rape is from one year to life.

Chicago has what is known as The Morals Court, where women are tried for violations of the law regulating moral conduct, and Mrs. John Francis Yawger, President of the New York City Federation of Women's Clubs, and one of the best known, ablest, and most progressive women in this country, when asked by the writer for an opinion about the fitness for women on the Bench said:

"I am glad to know of women striving for the position of Judge of the Domestic Relations or the Children's Court of New York. I spent a few weeks in Chicago several years ago and while there visited the several courts, amongst them being The Morals Court, and there I saw what a wonderful amount of good an assistant Judge of any of these courts could do, for the woman assistant judge of the Morals Court is doing a wonderful work. I truly hope for the day when we can see New York wake up to the necessity, for I do know the wonderful amount of good a woman as assistant judge can do."

The Woman's Protective Association of Chicago, of which Miss Nellie Carlin, public guardian of Cook County, is president, and which Miss Carlin and Miss Elizabeth L. Hoff-



man were largely instrumental in founding, is an Association formed as the result of the work of the Public Defenders' League for Girls, which is an organization of women lawyers who have been giving their services in the Municipal Court in the cases of women offenders who are without means of obtaining counsel. Many prominent club women who saw the necessity of giving "first aid" to those unfortunate women who are brought into court assisted in the organization and the following clubs are represented:

- Chicago Law & Order League,
- Chicago Woman's Club,
- Chicago Woman's Club, Reform Department,
- Chicago Woman's Aid,
- Chicago Political Equality League,
- Golden Rod Club,
- Independent German-American Club,
- Illinois Women's Democratic League,
- Women's Fellowship Club,
- Virginia Colony Club,
- Welfare League,
- Englewood Woman's Club,
- Every Wednesday Club.

The object of the Association is to follow cases of women offenders in Municipal Courts and to give protection aid and friendly counsel. Since its organization and as a result of its efforts in the Morals Court, women first offenders are now summoned into court instead of arrested as heretofore.

At a recent meeting of the board of directors, Judge Harry M. Fisher, who has been assigned to the Morals Court, announced a plan to protect first offenders by keeping their names and charges from the court records and hearing their cases in chambers in the presence of interested parties only, thereby sparing them the humiliation of publicity and preventing their exploitation by professional bondsmen.

The association has a court advisory committee of

which Mrs. Edward Gotchy is chairman, who attends all sessions of the court and calls attention of the organization to cases needing assistance.

Judge Joseph Z. Uhlink, who presided in the Morals Court for nearly two years, was much averse to the system of fining women offenders, believing that a woman who came into his court and whose earning capacity was \$5 or \$6 was not a subject for punishment. He believed that to fine a woman for immorality and to send her out without any means of obtaining employment, to again become the prey of evil association, was not the kind of money the community wanted, and while on the bench he refused to do this.

Chief Justice Olson, speaking from his long experience, recently said: "If 50 per cent. of the women engaged in prostitution are feeble-minded and are obeying the impulses which they cannot control and for which they are in no way responsible, then logically they have committed no crime and should not receive the punishment meted out to criminals. Fines do not cure enfeebled minds, nor do jail sentences improve the mental capacity of the hereditarily mental defective."

"The Woman's Protective Association," said Miss Carlin "believes that because of the above facts provisions should be made by the city for a shelter home or Farm Colony where these women could be sent for treatment and reformation. It is an absolute necessity for the protection of society and for the protection of the fifty per cent. whose fifty per cent. mentality is not strong enough to resist evil influences.

"We believe a farm colony could be established within the City Limits where women offenders may be sent for an indeterminate period and taught useful occupation, as sewing, domestic science, gardening, farming, etc.

"We believe the work of the dairy alone would be of great value to the community by providing pure milk and other dairy products. A Municipal Laundry could also be

maintained which could serve all our Municipal Institutions. These girls and women should be paid for their work so that when they are released they would be better fitted physically, mentally and financially to resist temptations. Their self respect would be restored, they would not have the stigma of the Bridewell or the jail and would be able to take their places in the community as self-respecting citizens."

The Association since its organization has given assistance to women by providing counsel and with a special emergency fund in the Morals Court for taking care of women after release from the Bridewell and County Jail, and when necessary supplied means of transportation to send girls home. It has a legislative committee who will make an effort at the coming session of the legislature to have certain legislation enacted which will enable the courts to deal with these problems in a more humane and effective manner.

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### IDAHO.

Idaho regards marriage as a partnership and from the time of the contract all property acquired is common property, except that the earnings of the wife for her personal services accrue to her personal estate and the husband has no control of such earnings. The husband is held as the head of the community and as such has the entire control and management of the community property but he has no control of the rents and revenues emanating from the separate estate of his wife. The husband cannot sell, mortgage or otherwise hypothecate the community property without the written consent of his wife. Upon the death of either the survivor is entitled to a settlement of the community with the right to his or her one-half and the other half descends according to testamentary disposition, or, if the

husband or wife die intestate, to the children. If there are no children then the whole estate passes to the husband or wife surviving.

Residence of six months entitles the citizen to sue in the courts of Idaho for divorce and among other causes for which divorce will be granted are cruelty, desertion of one year, failure to provide for one year, habitual drunkenness and insanity. The female is required to be eighteen years of age to contract a marriage in Idaho, with or without parental consent.

There is an inheritance tax on property passing to husband, wife, lineal descendants or ancestors on amounts in excess of \$10,000, of one per cent. and the same rate applies to brother or sisters, their descendants, son-in-law, or daughter-in-law, but to these latter only \$2,000 is exempt.

Children under fourteen are prohibited from working in certain places and during school hours or in places dangerous physically or morally. Seats must be provided for women in mercantile establishments.

Idaho has a Mother's Pension Law which vests the jurisdiction of destitute children in the Probate Judge. It provides for the payment of \$10 a month to the mother of each orphan whose father is dead, confined in an insane asylum or penitentiary shown to be destitute, if the mother is found to be a person best fitted to care for the child or children. The mother must be a resident for not less than two years of the county where she applies.

The guardianship of children is deemed due equally to father and mother, as well as the earnings of minors.

The penalty for rape is imprisonment from five years to life.

Idaho has equal suffrage and Prohibition.

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## INDIANA.

In the State of Indiana a married woman holds her real

and personal property and all the income therefrom derived as her separate property and free from liability for the debts of her husband but she cannot mortgage, sell or otherwise hypothecate her real estate without the husband joins in the conveyance. A married woman in Indiana may dispose of her personal property as she desires and without the consent of her husband. The married woman may conduct business as a public merchant but the husband cannot be held for the contracts or debts or liabilities arising therefrom. Curtesy and dower are abolished. As against creditors the widow takes five hundred dollars in goods or money and one-third of the real estate in fee if it does not exceed ten thousand dollars, one-fourth if it does not exceed twenty thousand dollars and one-fifth if it exceeds that amount. As against relatives she takes five hundred dollars in goods or money, one-third of the real estate if two or more children survive, and one-half if one child survive. If there are no children but a parent survive she takes the whole estate if under one thousand dollars, if more than that, three-fourths. If neither children nor parents survive she takes the whole property after the debts are paid.

Married women are eligible for certain public offices.

Among other causes for which divorce will be granted are cruelty, abandonment for two years, habitual drunkenness and non-support for two years. A female may contract marriage with the consent of her parents at sixteen years and without parental consent at eighteen years.

There is an exemption from inheritance tax of \$10,000 passing to husband, wife, ascendants or descendants and one per cent. on amounts above that to \$25,000, with graduated scale on the amounts above.

Minors under fourteen are forbidden to work in mines, and children under fourteen are forbidden to work at gainful occupations, except domestic service and farm work, except that minors between fourteen and sixteen may work at canning perishable fruits and vegetables between June and



October. The eight hour law is provided for minors under sixteen and night work is forbidden. Children between seven and sixteen must attend school a stipulated time. There are laws for the protection of minors from work dangerous to morals or life and limb and seats must be provided wherever women and girls are employed.

Limited suffrage was granted women by the 1916-17 legislature.

When the fate of the Bill hung in the balance it was Catherine Vaughn McCulloch, the woman lawyer who drafted the Illinois Suffrage Bill which went into effect in 1913, who appeared and by the force of her argument swept aside the opposition. Mrs. McCulloch, who travelled the long route of the suffrage bill in Illinois said, in discussing the constitutionality of the bill, that it was practically the same as that passed by the Illinois legislature and since twice sustained by the Supreme Court of that State. The gist of the decisions was, she said, "that the legislature had the right to create offices, and that therefore the legislature had the right to say who should vote for those offices, providing the designation did not conflict with the Constitution. The Constitutions of Indiana and Illinois were very much alike," she said, "and the questions involved were the same as those involved in Indiana. As to the argument that Indiana women do not want to vote, let me quote some figures from my own State," said Mrs. McCulloch. "They said the same thing about Illinois. But in the first election in Chicago in which women had the right to vote, 250,000 exercised that right. Last fall, in the presidential election, 875,000 women voted. The charge had been made that the ignorant woman will control the elections. I have noted that the more ignorant the woman the less she wants to vote.

"In the Chicago elections held in 1916 there was no crime, no disorder, no blood spilling and none of the things which had characterized other Chicago elections and made them infamous. The election commissioners said the elec-

tions were the quietest in the history of the city. In fact, it was safer for the women to go to the polls than to stay at home. Statistics for election day will prove it.

"They talk of divorce cases growing out of elections. Not a single case of the kind is on record. As to the husband controlling the vote of the wife, let me say that it can't be done. The woman is alone with her conscience when she votes. And the husband doesn't find out. Supperless conditions don't prevail in Illinois because the women have the right to vote.

"We vote there during the time the men can't get to the polls. We vote on the way to the grocery, in the mornings or just drop in along in the afternoon. That is the time the polls are free from the heavy vote."

Mrs. McCulloch was one of the Democratic Presidential electors from Illinois in the election of 1916.

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## IOWA.

A married woman is the absolute mistress of all property real or personal which she owns by descent, gift or purchase and may manage, dispose of and devise her property without the interference of her husband. Neither the husband nor the wife is liable for the contracts of the other made before or after marriage and the wife is entitled to sue for and hold as her separate property damages for personal injuries. If the husband abandon the wife and have property, by presentation of the facts to the court an order may be secured to encumber the property for the support and maintenance of the home and the education of the children. Each may constitute the other an attorney in fact. The earnings of the wife go to her separate estate and the married woman may make contracts the same as the male but the husband is not liable for the contracts made by his wife for her business or her separate benefit. The

legitimate expenses of the conjugal home are chargeable to the wife and the husband alike and they may be sued jointly or separately. Dower and curtesy are abolished. The surviving husband or wife is entitled to one-third in value of all real estate owned by the other during the time of the marriage. The homestead is deemed the property of husband and wife equally and neither can be made to leave it by the other.

Minors under fourteen are forbidden to work in mines and factories and mercantile establishments and in places of danger or in distributing messages.

Minors under sixteen are forbidden to work in places dangerous to morals, life or limb and provision must be made for females under twenty-one for seats with the privilege of occupancy.

Children between seven and sixteen must attend school a prescribed time.

Women may not be employed in places where intoxicants are sold nor in positions requiring them to stand continuously.

Iowa has had a Mother's Pension law in effect since 1913 under which the district and superior courts have jurisdiction of delinquent and neglected children. If, upon investigation of reported cases it is found that children cannot be properly cared for and the mother is decided to be a proper guardian, an amount not to exceed two dollars per week will be paid to the mother for the maintenance of the child, but this payment ceases when the child reaches the age of fourteen.

The age of consent is fifteen years and the penalty for rape is imprisonment for not more than twenty-five years.

Iowa is a prohibition State.

Among other grounds for which divorce will be granted are desertion of two years, drunkenness, cruelty, consanguinity and insanity.

There is no inheritance tax on property passing to husband, wife, ascendants or lineal descendants. Others than those specified are entitled to an exemption of \$1,000 and the tax is five per cent. on amounts in excess. If the property passes to a non-resident of the State the tax is twenty per cent., an exception being made in favor of brothers and sisters on whose inheritance a tax of ten per cent. will be levied.

Iowa has a "Red Light and Abatement" law.

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### KANSAS.

In 1861, when Kansas was admitted to the Union, there was written in her Constitution the following:

"The legislature shall provide for the protection of the rights of women in acquiring and possessing property, real, personal, or mixed, separate and apart from her husband, and shall provide for their equal rights in the possession of their children."

The article of the Constitution quoted sounds like it would make Kansas an ideal home place for the ambitious woman citizen, but the fact is that the promised "protection" is but a half truth. For instance: The property acquired during marriage is the community property of husband and wife, but, if the wife die, leaving children, the Kansas law has provided no means of securing to her offspring her share in that community. In fact it is asserted that the heir at law is the second wife, the successor to the woman who has been so inconsiderate to her children as to die, for she literally steps into the shoes of the dead woman in her community rights. To quote Lilla Day Monroe, a woman lawyer of Topeka, Kansas:

"The second wife is the absolute heir at law of the first wife, because the marriage contract under our Statutes passes the inchoate right in one-half of the husband's

property to his wife, and because of the fact that, under our Statutes there is no provision to divide the property upon the death of the wife, all of the common property, no matter whence its source, if it is diverted from her name and stands in the name of her husband still remains his to all intents and purposes, and it remains for him to say whether the children of the first wife shall inherit it or not. I have not yet found a case where he decided in favor of the children."

The property owned by the wife at the time of her marriage remains her own and is not liable for the debts of her husband and she may contract at will in relation to such property and may sue and be sued as a sole. The married woman may carry on a trade and the earnings of a married woman are her separate property.

The Industrial Welfare Commission has made the following protective regulations for women and children:

"The State of Kansas declares that inadequate wages, long continued hours and unsanitary conditions of labor exercise a pernicious effect upon the health and welfare of women, learners and apprentices and minors. That it shall be unlawful to employ women, apprentices and learners and minors in any industry or occupation within the State of Kansas under conditions of labor detrimental to their health or welfare, and it shall be unlawful to employ women, learners and apprentices and minors in any industry at wages which are not adequate for their maintenance and for more hours in any one day than is consonant with their health and welfare."

The above laws went into effect in 1915 and may be considered as the culmination of the work launched more than a quarter of a century ago by Mary Elizabeth Lease, the woman with the brain of a statesman and the courage of a Spartan, who went on the stump in Kansas and by her brilliant oratory wakened and encouraged women to take up the fight for better conditions.



The Industrial Welfare Commission has secured the requirement for seats in mercantile establishments for women employees. Children under fourteen are not permitted to work in any mine. Nor shall children under fourteen be employed in connection with any factory or workshop (not owned or operated by the parents of said children), or in theatres, or in elevators. No person is allowed to be employed in any place dangerous to life, limb or morals. Minors under fourteen are prohibited from working as acrobats, in gymnasiums, as circus riders or other exhibitions of a dangerous character, or as beggars or street musicians. Minors between eight and fifteen are required to attend school.

The law provides that at least one member of the Industrial Welfare Commission shall be a woman.

Among other causes for divorce in Kansas is abandonment of one year, habitual drunkenness, fraud, cruelty, non-support and neglect of duty.

A female of fifteen can contract a valid marriage with parents' consent and at eighteen without parental consent.

There is no inheritance tax on property which passes to husband, wife, ascendants or descendants, son-in-law or daughter-in-law. To brothers and sisters \$5,000 is exempt and above that a graded rate commencing at three per cent. from \$5,000 to \$25,000. To others than above the rate is five per cent. up to \$25,000.

The widow is entitled to homestead with 160 acres of farm land or one acre in town or city, free from the debts of the husband.

The father and mother are equally entitled to the guardianship of children.

Kansas has been an equal suffrage State since 1880 and is also a Prohibition State.

Kansas has an "Abatement law," and "Red Light Ordinance" and all immoral practice is punishable with fine and imprisonment.

The penalty for rape of a girl under eighteen is imprisonment from five to twenty-one years.

The penalty of death is not inflicted in Kansas by the law and if for no other reason this departure from the barbaric custom of capital punishment entitles the State of Kansas to a place in the front ranks of the most advanced and civilized of the States of this country.

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### KENTUCKY.

A married woman may acquire and own in her own right immovable property, but she cannot mortgage, or sell same without the consent of her husband. The rents, issues and revenues of her real estate are under her control and she may sue for their collection. She may sell or otherwise dispose of her personal property as if sole. She may make contracts relating to her separate property or her business.

The surviving spouse is entitled to a life interest in one-third of the real estate and to one-half of all personal property.

Under the provisions of the Labor Law passed in 1914 minors under 14 are not permitted to work in any gainful employment, and between 14 and 16 minors who are employed must show school certificates certifying to their attendance at school for at least one hundred days in the preceding year and that such minors could read and write the English language. Minors under sixteen years of age are prohibited from working in places dangerous to health, life, limbs or morals. Minors under eighteen are prohibited from cleaning machinery while in motion. Females under twenty-one are prohibited from working where they are required to stand continuously. Nor shall any female under twenty-one be employed for more than sixty hours in a week or ten hours in any day. Seats must be provided in mercantile establishments for the women employees.

The father and mother have equal rights in the custody and guardianship of their children.

The age of consent is sixteen and the penalty for rape of a female of less than twelve years of age is death. Kentucky, however, is one of the Southern States where it is almost superfluous to state the rule is to adjust the crime of rape and the criminal by the Judge Lynch method, and the unwritten law upholds this court in saving the woman from the further humiliation of testifying against her assailant.

Among other causes for which divorce will be granted is separation for five years, desertion of one year, ungovernable temper, fraud or duress in obtaining marriage and conviction of a felony.

On amounts not exceeding \$25,000 the inheritance tax on property passing to husband, wife, ancestors or lineal descendants is one per cent, \$10,000 is exempt to husband, wife or minor child and \$5,000 to others named.

If the husband abandon the wife without making sufficient provision for her support, or become insane, or be imprisoned, she may be empowered by the court to convey her real estate without his authority.

The property of the wife is not responsible for a contract after marriage to answer for the debts or default of her husband or another, unless such contract carry with it a mortgage, but her property is liable for her own debts. She may dispose of her personal property in her own name as if sole. She may sue and stand in judgment.

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## LOUISIANA.

The State of Louisiana has laws which are especially interesting as they relate to married women because it uses as the basic principle of its legal direction of civil affairs

the Code Napoleon. Marriage, it declares, is "a contract of partnership," and it establishes the community of acquets and gains. Because there is established the absolute right, as the co-partner, of the surviving husband or wife to one-half of the community property, which half cannot be devised or bequeathed away from such survivor; and because the children of the marriage are the "forced heirs," and as such cannot be disinherited, there are good laws in Louisiana. The trouble is that the good is not far reaching enough to satisfy her women citizens who have looked beyond the boundaries of their own State and have seen the manner in which equal civil rights for women has been spelled by the laws of other States. The sentiment pervading the Code is "protection" for women and minors, hence, from the moment of marriage the husband is responsible for his wife and directs and manages her affairs. Article 2404 of the Code says:

"The husband is the head and master of the partnership of the community of gains; he administers its effects, disposes of the revenues which they produce, and may alienate them by onerous title without the permission of the wife."

Article 24 says:

"Laws, on account of the difference of sexes have established between men and women essential differences with respect to their civil, social and political rights."

Article 1782 says:

"All persons have the capacity to contract except those whose incapacity is especially declared by law; these are persons of insane mind, those who are interdicted, minors and married women."

Prior to 1912 if a married woman was deserted by her husband, and for reasons best known to herself, refrained from seeking a separation from bed and board or divorce, all property acquired by her during the abandonment belonged to the community (unless there was a separation of property evidenced by an ante-nuptial contract). Should

the husband conclude to return to the abandoned spouse he could lay claim to all of the property acquired during the abandonment. If it was movable property he could sell it and give a good and valid title without consulting her, and even though she was ignorant of the fact that he had re-appeared. If it was real estate she was unable to sell it without obtaining his consent and one-half of the proceeds of the sale would have belonged to him. During the regular session of the General Assembly in 1912 Martin H. Manion, a lawyer and member from the Parish of Orleans, introduced Bill No. 321, which became Act 170, of 1912, which amended the provision of Art. 2334 of the Civil Code relating to this matter and reading into that Article the following:

“The property of married persons is divided into separate and common property.

Separate property is that which either party brings into the marriage, or acquired during the marriage with separate funds, or by inheritance or donation made to him or her particularly.

The earnings of the wife when living apart from her husband, although not separated by judgment of court, her earnings when carrying on a business, trade, occupation or industry separate from her husband, actions for damages resulting from offenses and quasi-offenses, and the property purchased with all the funds thus derived, are her separate property.

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Common property is that which is acquired by the husband and wife during marriage in any manner different from that above declared. But when the title to community property stands in the name of the wife it cannot be mortgaged or sold by the husband without her written authority or consent.”

But a married woman cannot mortgage her property without the consent not only of her husband but of the courts of her domicile. The court places her under oath and enquires the use she intends devoting the money and



if it develops she purposes to lend it to her husband to pay his separate debts, or to assist him in his business, the court refuses authority. It must appear that the married woman intends to use the money for the use and benefit of her separate and paraphernal property. This law, it has been frequently contended by lawyers, provokes perjury. Mr. Manion introduced a Bill in the General Assembly which would have changed this law but it was voted down. On the subject Mr. Manion says:

"I wanted to amend the law to dispense with the authority of the court. It appears to me a disgrace to the womanhood of this State, that, no matter how intelligent, and notwithstanding that she may have acquired the property owned by her, if married, prior to her marriage, through her individual effort, it is necessary she should petition the court and state under oath that the money is for her individual use and administration, and then, with hand raised to God, tell the court that the money is for her separate use and not for that of her husband. The thought is repulsive to me. It is difficult for me to believe that such a law could have remained upon our Statute books, making a woman of my race, no matter how intelligent, because of her marriage, unable to do with her own property, acquired by her through use of her talents, what the most ignorant negro man is freely admitted to do."

The amendment secured by Mr. Manion whereby the earnings of the wife and the funds from any business she might conduct or from damages went to the separate estate and not to the community was a long stride toward fair consideration and in July, 1916, the following Act made the separate property of the married woman free from the obligation to secure the consent of the husband for its sale or administration. It reads:

"That a married woman of the State of Louisiana shall be competent to contract and bind and obligate herself personally and with reference to her separate paraphernal

property, and to appear in court and sue and be sued to the same extent and in the same manner as though she were femme sole; provided that nothing herein contained shall be deemed or construed to affect in any way the Statute of this State establishing and regulating the matrimonial community of acquets and gains and prescribing what shall be deemed the separate property of the spouses."

The surviving wife or husband has the use or usufruct of the community property for life, and if either dies intestate, and there are no children, nor father nor mother, he, or she, takes all of the community property. The parents are "forced" heirs, the same as children and cannot be disinherited. Likewise the parents are entitled to support from their children and the law has been invoked on many occasions in the Louisiana courts to force children to make provision for parents who were without support.

Louisiana permits women taxpayers to vote on certain matters relative to civic improvements which affect their property interests.

The City of New Orleans, which is the entire Parish of Orleans, handles the "Red Light" problem by a City Ordinance known as "The Story Ordinance," which establishes within certain defined boundaries, comprising a certain number of blocks, what is known as "Storeyville," where vice stalks unrebuked. Not only unrebuked, but licensed and under the supervision of the Board of Health from which the women must secure health certificates. Having set apart a certain defined section of the city for disreputable houses (which range from long rows of squalid one-room shacks on which the rent is collected daily, to mansions which are palatial in structure and equipment), New Orleans is most jealous of the rest of her domicile. It is clean from Parish line to Parish line save for that one dark spot from which the community turns its face, in daylight, and knows but surreptitiously. Shady rooming houses, hotels with lax rules and immoral institutions disguised under the

names of Massaeur parlors, or clubs, are not tolerated; the line of demarkation is clean cut. The decent householder is not suspicious of his neighbor, nor is he fearful for his wife or daughter for he knows the never faltering, splendid police surveillance which protects the city from rubbing elbows with promiscuous vice. Still, it is an open question whether this garnering of a city's vice within certain boundaries, there to regulate and curb and health certificate, is a thing of which a city may be proud or if the flaunting unashamed of the dregs of conscienceless immorality is an advertising which disgraces civilization. If all the thieves in a community could be coralled within certain limitations their activities could be curtailed and repressed, but it is quite generally conceded that a better method is to prohibit stealing—it seems all a question of whether or not certain vice can be eliminated, and if it cannot be then it is assuredly better to brand and tag and rope it in.

The age of consent is eighteen years and the penalty for violation of a female of less than twelve years is death. Within the past twenty years two white men have paid the extreme penalty and been hanged for this crime in the City of New Orleans.

The preference in guardianship of children goes to the father, and where both parents are deceased, to the paternal grandfather. Under this law there have been some tragic scenes in the Louisiana courtrooms. Cases of individual hardship have been many. An instance was that of a maternal grandmother who had the custody of a grandson from his birth, coincident with the death of her daughter. Two years later the child's father died. There never was any claim that the child lacked care, attention or education, but when he was ten years of age the paternal grandfather who lived in Chicago and had never seen the child, brought suit in the courts of New Orleans for the custody of his grandson. The real facts were that his daughter, an aunt of the boy, was childless and desired to rear a child and

preferred the son of her brother to a stranger and she used the legal right of the grandfather to accomplish her wish. The grandfather was old. The court, however, could take no cognizance of the facts beyond those relating to proof of paternity. The custody of the child was ordered given the distant grandfather and his daughter forced the maternal grandmother who had taken the child into her arms when he was born, to bow to the edict of the court and surrender the guardianship and custody. The child was immediately removed from the State and taken to the distant home of the paternal grandfather and aunt. The grandmother in New Orleans became a pathetic figure, her mentality rapidly weakening under the great grief of her loss, and she wandered about lawyers' offices seeking if there was not some way to get back her "baby."

Louisiana, because of her large negro population, has a record of the highest rate of illiteracy in the United States, but in 1914 there went into effect a compulsory education law and this will bring relief. With a population in New Orleans alone of 89,262 negroes out of a total population of 339,075, the impression gained from the mere recordation of the rate of illiteracy in Louisiana is most erroneous. It is a notorious fact that Louisiana's huge negro population, or so much of it as comes under the head of "minors," needs the heavy hand of the law to enforce education.

Louisiana has long had a woman factory inspector. Miss Jean Gordon, of New Orleans, to whose efforts was due the passage of the Bill giving factory inspection, and much relief incidental, was named as the Inspector when the law went into effect and was one of the first women in this country to hold a position of like character.

Minors under fourteen are forbidden to work at gainful occupation. Exception, however, is made to agricultural employment. Minors under eighteen and women are forbidden to work more than ten hours in each day, exception being made to employees in stores on Saturday nights and

for a period of twenty days before Christmas. Girls of less than eighteen and boys less than sixteen are forbidden to work at night except in stores on Saturday nights and for twenty days before Christmas.

Seats must be provided for women in mercantile establishments.

Men are forbidden to live upon the earnings of their wives or minor children and if convicted of this offense are sentenced as vagrants.

In cities, outside New Orleans, with a population of more than 25,000, children between eight and fourteen must attend school continuously for at least four months of each year, provided there are separate schools for the races open to such minors for so long a period, otherwise it will be sufficient to send such minors to school during the public school term. In the Parish of Orleans minors between eight and fourteen, and between fourteen and sixteen unless employed, must attend school through the school term.

Not only is the consent of the husband necessary to give effect to the contracts of the wife but the married woman cannot sue without the husband joining and authorizing the suit. *Le regime de la communauté.* The husband as head of the community exercises supreme authority. Once the nuptial partnership is formed the husband controls generally the movable and immovable property, the fruits, income and revenues thereof, whether it is in possession or action. The property acquired during the nuptial partnership, which is the common property, is liable for the debts of the parties existing at the time of the marriage, the debts contracted by the husband during the community, or by the wife with the consent of her husband. Testamentary disposition of husband or wife cannot exceed the disposable portion permitted by law. The property belongs equally to the surviving spouse and to the forced heirs of the deceased, in equal moieties, after the payment of all debts chargeable to the estate.



Where persons married in States which do not have the law of community remove to Louisiana, their property acquired while they reside in the State is subject to the rule of Louisiana nuptial partnership. Marriage being a contract *sui generis*, the obligations which arise out of it must be regulated by the public laws of the State where the parties are domiciled.

Divorce will be granted in Louisiana for adultery, attempt on the life of one spouse by the other, and for conviction of a felony. For desertion, non-support, cruelty and other causes a separation will be granted which can be made an absolute divorce if, after twelve months from the decree, there has been no reconciliation. If personal service cannot be had on the defendant the court appoints an attorney to represent the absentee.

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### MAINE.

A married woman has the sole control of her separate property in Maine, such separate property consisting of whatever she possessed before marriage or she became possessed of after marriage, unless purchased with her husband's money or coming from him so as to defend his creditors. She cannot convey property which she acquired through her husband or his relations unless he joins in the conveyance. She may engage in trade as a public merchant and her property is liable for her contracts and the property of her husband is not liable for such contracts unless he profited thereby or joined in the obligation. The survivor is entitled to one-third of the real estate, except wild lands, if there are children, and if there is no issue, then to one-half.

Minors under fourteen are prohibited from working in mills, factories, and mechanical establishments, nor at any gainful occupation during school hours. Minors under six-

teen being so employed must produce a school certificate showing he can read and write simple English sentences. Minors under sixteen are prohibited from working in places dangerous to life, limb, health or morals. ....

Seats must be provided for women employed in mercantile establishments, hotels, restaurants, etc.

The guardianship of children is equally due the mother and father.

The age of consent is sixteen and the penalty for rape of a girl of less than fourteen is imprisonment within the discretion of the court, over fourteen and less than sixteen imprisonment for not more than two years or a fine of not less than \$500.

Maine provides that, upon the presentation of twenty legal voters any building used for immoral purposes the courts shall have the power to close. Such use of a building is described as a nuisance and the only regulation prescribed is its abatement.

Divorce will be granted for cruelty, desertion of three years, habitual drunkenness and non-support.

There is an inheritance tax on property passing to husband, wife, ancestor, descendant, son-in-law, and daughter-in-law of one per cent. on amounts up to \$50,000 and \$10,000 is exempt to husband, wife and minor child. ....

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### MARYLAND.

The real and personal property of a married woman in Maryland, whether acquired before marriage or after, is her separate property and is not liable for the debts of her husband. Conveyances from husband to wife, however, in an effort to defraud creditors, will not be held valid. The personal earnings of the wife and the income therefrom are and remain her separate property under her sole control. She may engage in business as a public merchant, form

partnerships, make contracts, sue and be sued like a single woman. If she is more than eighteen she may sell, mortgage, or otherwise hypothecate her property without the consent of her husband, if less than eighteen, however, the husband must join. She may insure her husband's life for her benefit and receive the benefit free from any claim by legal representatives or creditors.

If husband or wife die without will and there are neither ascendants or descendants, the surviving spouse takes all of the estate, and if there are such surviving relatives the wife or husband is entitled to one-third of the personal property and estate for life in one-third of all lands.

Minors less than fourteen are prohibited from service as telegraph messengers and between fourteen and sixteen to work at same after 8 p.m. and before 8 a.m., and they are forbidden to call for or deliver messages to houses of questionable character. In cities of more than 20,000 persons under eighteen are prohibited from working as messengers or distributing goods between 10 p.m. and 6 a.m. Children under fourteen are forbidden to work in mills, factories, workshops, mechanical establishments, tenement house factories, offices, restaurants, bakeries, barber shops, hotels, apartment houses, bookblack stands, stables, garages, laundries, drivers, brick and lumber yards, in the construction or repair of buildings, and children under twelve years of age are prohibited from working in canneries, packing establishments, offices boarding houses, places of amusement or in the sale or distribution of merchandise. Minors under fourteen who work must have school certificates and they cannot work during school sessions. Under sixteen there are laws prohibiting work in places dangerous to life, limb or morals. Minors under twenty-one cannot work in saloons. Between eight and fourteen children must attend school not less than four months in each year.

Females are prohibited from working more than ten hours a day or sixty hours in a week in manufacturing,

mechanical, mercantile, printing, baking or laundering establishments. Or more than eight hours at night work, and exception is made to this rule if the females are employed in canning perishable fruit or vegetables.

Minors of less than sixteen are prohibited from working more than ten hours a day in any factory or in mercantile establishments in Baltimore. Nor can minors if less than sixteen be employed where intoxicating liquors are sold, bottled or in any way handled.

Seats must be provided for women who work in mercantile establishments.

By the Mother's Pension Act passed by Maryland in 1916, the relief granted is in the discretion and subject to the investigation of the County Commissioners, except in Baltimore where there is a Mother's Relief Board, with representation by women. Where the mother of indigent children is found to be a proper person relief will be allowed to the extent of twelve dollars a month for one child, or, if there are more than one for whom application is made by the mother, then ten dollars a month will be allowed, the entire allowance not to exceed forty dollars a month, and the mother must have resided in the County for at least three years.

The custody and guardianship of children is given preference to the father in Maryland but the mother has the same right as the father to appoint a guardian by will or testament.

The age of consent is fourteen and the penalty for rape is death or life imprisonment.

Among other grounds for which divorce will be granted are abandonment for three years and unchastity of the wife before marriage.

There is no inheritance tax on property passing to husband, wife, or lineal descendants.

## MASSACHUSETTS.

The married woman retains control of all real and personal property owned by her at the time of her marriage and this separate property she may sell, mortgage or hypothecate, except the statutory rights of the husband in such property cannot be disregarded unless he signs the deeds with his wife when property is sold. The earnings of the married woman go to her separate estate. Husband and wife are not allowed to convey property to each other, except that the wife may acquire by gift from her husband as her separate property articles of personal use and adornment to a value of not more than two thousand dollars, provided such gift is not in fraud of creditors. The married woman in Massachusetts may sue and be sued as a sole. If a married woman carries on a business as a public merchant she must file in the clerk's office of the town or city in which the business is to be carried on, a certificate setting forth her name and that of her husband, the place and nature of the business. Without such recorded certificate the property of the married woman involved in her business may be attached for the debts of her husband and the husband will be liable with the wife for contracts made in the conduct of the business, hence, if the wife does not record the required certificate of declaration of her separate business the husband may do so for her.

The rights of the surviving husband and wife are practically the same. The widow is entitled to dower as at common law and the husband is entitled to curtesy of the income of one-third of the wife's real estate for life whether there be issue or not. Dower or curtesy must be claimed within one year and if so claimed is given preference over all other creditors.

Because Massachusetts has more than eighteen thousand females of more than sixteen years and more than twenty thousand children of less than sixteen years of age at work in her mills, factories and other manufacturing



establishments there has been a multitude of laws passed in the effort to protect them.

Minors of less than eighteen are not allowed to work where liquor is sold or handled in any way.

There is a nine hour day law for women and minors of less than eighteen, and they are prohibited from working between 10 p.m. and 6 a.m. in any manufacturing plant. Minors of less than fourteen are prohibited from wage earning labor and between fourteen and sixteen they must produce school certificates if they be permitted to work during school days of the school sessions except on Saturday when they may be employed.

Seats and hours for meals for women are compulsory, and no woman is permitted to work for two weeks before or four weeks after child-birth.

Women and minors under eighteen are prohibited from working in places dangerous to life, limb or morals.

Children between seven and sixteen must attend school during the regular school sessions.

By an Act passed in 1912 there was created a Minimum Wage Commission which provides that one member shall be a woman and this Commission regulates wages of women and minors.

Since 1913 Massachusetts has had a Mother's Pension law which gives the jurisdiction of applicants for its benefits to the Overseer of the Poor of each County. After investigation of the mother if found to be a person best fitted to care for her children the State will allow a sufficient amount of money monthly to enable the woman to rear and educate her child or children. The woman must have resided in the State for not less than three years and the pension is not granted until after every effort has been exhausted to force relatives and members of the family to make the necessary provision.

The separate estate of a woman is liable for necessities supplied herself and family to the amount of two thousand dollars.

The guardianship of children is deemed jointly due the father and mother, or to the surviving parent.

The age of consent is sixteen and the maximum penalty for rape is imprisonment for life.

Massachusetts has a Red Light and Abatement Law.

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### MICHIGAN.

The married woman in the State of Michigan holds as her separate estate all real and personal property of which she was possessed at the time of her marriage and she can sell or mortgage it as if a femme sole and bequeath it by will. She may make contracts with regard to her separate property or her separate business but she cannot bind her separate estate by becoming surety for her husband or a third person. Her personal earnings go to her separate estate to do with as she pleases.

Michigan requires that a woman shall have attained the age of twenty-one years before she can make a valid business contract of any kind but she is permitted to enter the contract of marriage at the age of sixteen years.

Among other grounds for which divorce will be granted are desertion for two years, habitual drunkenness, cruelty and non-support.

There is an inheritance tax on property of one per cent. passing to husband, wife, ascendants and lineal descendants on amounts above two thousand dollars, except to the widow who is allowed an exemption of five thousand dollars. To others the tax is five per cent. and the exemption one hundred dollars.

Since 1916 Michigan has had prohibition.

If the husband die intestate the widow is allowed personal property not to exceed two hundred dollars, and the

remainder of the personal estate is divided between the widow in the proportion of one-third and two-thirds to children if there are more than one, or one-half to the widow and one-half to the child if but one child survive. The widow is entitled to one-third of the real estate if there are children, one-half if there are no children, and all if there are neither children or close kin. The husband cannot divest the wife by will to her right to use of the homestead and one-third of all lands for life, and the husband has a life estate in all lands owned by the wife at the time of her death provided there are no children by a previous marriage.

There is a nine hour labor day law for women and minors of less than eighteen years except that the law does not apply to those who work in canneries for the preserving of perishable fruits and vegetables.

Work for women and minors is prohibited between 10 p.m. and 6 a.m., and minors of less than twenty-one are prohibited from working in places dangerous to life, limb or morals.

There must be seats furnished for female employees in mercantile establishments and factories.

Women are prohibited from selling liquor or to work in places where intoxicating liquors are sold.

Michigan has the very excellent provision of a Truant Officer whose duty it is to investigate the reason for the non-attendance of any child during the school session. If it is found the child does not attend school because the family is unable to provide the child with necessary support, upon the report of the Truant Officer the School Board will pay to the family of the child not less than three dollars, nor more than six dollars per week for the children of any one family. Investigation of the schools of every large city discloses the fact that there are many children who are so poorly nourished as to be unfit for study—in some cases the home poverty being such as to preclude the possibility of the child attending school. The condition has been bettered

by the noonday lunch furnished by certain schools and it is a matter of record that in New York schools children came to the sessions with brothers and sisters below the school age and declared they sought for them the bowl of soup provided at school which was impossible in their homes at midday.

Michigan is unique in its Mother's Pension Law in that it provides a pension not only for the children of wedded parents but for illegitimate offspring, and furnishes aid to the indigent mother until the child reaches the age of seventeen years. Since 1913 widows, women deserted by their husbands, or divorced, or who are too poor to properly provide for their children but who are fit guardians are pensioned to the extent of not more than three dollars per week for each child. Judge's of probate and circuit courts have jurisdiction of such cases.

The guardianship of children is given preferably to the father and, in his decease, to the mother.

There is a graduated punishment for rape, dependent upon the age of the girl; under ten years the punishment is life imprisonment, between ten and fourteen years the penalty is imprisonment from seven to thirty years and between fourteen and eighteen years the maximum penalty is seven years in the penitentiary, or, a minimum penalty of one year in the county jail.

Michigan has been one of the prohibition States since 1916.

There is a Red Light and Abatement Law in effect since 1915.

The Legislature of Michigan appoints a special commission to investigate the wages paid to women and it is required of employers that a living wage be provided.

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## MINNESOTA.

The property owned by a woman at her marriage or subsequently acquired by her remains her separate estate,

is not liable for the debts of her husband and is entirely under her own control, but such property as well as the property of the husband is liable for the necessities furnished the family whether contracted for by the husband or the wife. She may contract and be contracted with as if a sole but she is not permitted to convey her homestead without her husband join in the deed.

The surviving husband or wife is entitled to the use of the homestead for life, and in fee if there are no children.

The married woman must be authorized by her husband to sue and stand in judgment.

The whole of the real and personal property goes to the surviving spouse if there is no will, and one-third goes by right to the survivor.

Minnesota does not permit children under fourteen to be employed in dangerous occupations nor during school sessions, and between fourteen and sixteen minors may work at gainful occupations if provided with school certificates but not for more than forty-eight hours in a week or more than eight hours a day or between 7 p.m. and 7 a.m.

Minors male and female are prohibited from working or going into places where intoxicating liquors are sold.

There is an Industrial Commission which fixes the minimum wage for women and children.

There must be seats provided for women who work in mercantile establishments, factories, hotels, restaurants and other places of business. They are not permitted to work more than ten hours a day in such places nor more than nine hours a day in telegraph or telephone offices and women are prohibited from working as oilers or cleaners of moving machinery.

Minors under eighteen are prohibited from working in places dangerous to limbs or morals or between 6 p.m. and 7 a.m.

There is a special provision in the laws of Minnesota for the punishment of any person who shall cruelly or un-



lawfully punish a child under sixteen years of age and on conviction the offender is punished for a misdemeanor.

The father and mother are deemed equally entitled to and responsible for the guardianship, care and custody of their children, and upon the death of either, the survivor succeeds to the duty.

Minnesota, like Michigan, punishes rape as follows: under ten years, with imprisonment for life, ten to fourteen years, imprisonment for seven to thirty years and fourteen to eighteen years with a maximum of seven years in the penitentiary and a minimum of one year in the county jail.

With parents consent a girl of fifteen may contract a valid marriage and at eighteen without parental consent.

Among other grounds for which divorce will be granted are desertion of one year, habitual drunkenness of one year, cruelty and conviction of a felony.

There is an inheritance tax on property passing to wife or lineal descendants on amounts of less than \$15,000 of one per cent., to husband, parents, ancestors adopted children or issue thereof, one and one-half per cent., to brother, sister or their descendants, son-in-law or daughter-in-law, three per cent., to uncles, aunts or their descendants, four per cent., and to others more remote, five per cent.

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### MISSISSIPPI.

Section 2517, of the Code of 1906 totally abrogates the Common law disabilities of coverture and reads:

“Every woman now married or hereafter to be married, shall have the same capacity to acquire, hold, manage, control, use, enjoy and dispose of all property, real and personal, in possession or expectancy, and to make any contract in reference to it, and to bind herself personally, and to sue and be sued with all the right and liabilities incident thereto, as if she were not married.”

And the principles above enunciated have been sustain-

ed in the case of *Verner vs. Verner*, 62 Miss. p. 260, which held further that "this section does not deprive a woman of her right to alimony."

Dower and curtesy are abolished by Sec. 2519, of the Code of 1906 and the wife takes a child's part of the husband's real estate and personal property where the husband dies intestate; if there are no children the survivor takes the whole estate.

The Homestead exemptions under the Code of 1906 are:

"Every citizen of this State, male or female, being a householder, and having a family, shall be entitled to hold exempt from seizure or sale under execution or attachment, the land and buildings owned and occupied as a residence by him or her, but the quantity of land shall not exceed one hundred and sixty acres, nor the value thereof, inclusive of improvements, save as hereinafter provided, the sum of three thousand dollars."

The foregoing is the exemption of country homestead's and the following is the exemption in cities, towns and villages: "There shall be exempt from seizure or sale under execution or attachment land and buildings owned and occupied as a residence by such person not to exceed in value 3,000, and personal property to be selected by him not to exceed in value \$250.00, or articles specified as exempt to the head of the family."

The family statute is intended by "householder" to mean "one residing on the property, or if removed, therefrom by necessity must show intention to return within a reasonable time" declares Miss Sara Buchanan, a young woman lawyer of Booneville, Miss., who has risen rapidly in the ranks of the legal profession in Mississippi. "The head of the family" she says has been held to mean "A husband or widow supporting a minor child or children," and Miss Buchanan adds the following further information relative to the laws of her State:

The Acts of 1916, in Chapter 225, provide that if the

widow or widower of over sixty years have been exemptionists under the above statute they shall not be deprived of such exemption because of not having a family or occupying the homestead, which amends Sec. 2146 and 2147 of the Code of 1906 quoted.

"The wife must join in the conveyance of the homestead if the husband sells and if the wife is the grantor then the husband must join. However, the requirement that the husband join in property conveyance applies only to the homestead.

"Section 2520 of the Code of 1906 declares the liability of the husband to his wife for all property taken over and used by him together with the income and profits therefrom for one year after receipt of same.

"Chapter 61 of the Code of 1906 deals fully and adequately with the matter of Guardians and Wards, therein testamentary guardians are defined and their qualifications provided for. Sec. 2403 provides for the appointment of guardians by the Chancery Court where parents have not made appointment. Preference is given to the natural guardian in all cases, or the next of kin, unless the applicant be manifestly unsuitable for the discharge of the duties. A minor over the age of fourteen years may select his or her own guardian by petition to the court. If a guardian other than the natural guardian is selected by the minor, and the court deems the natural guardian more suitable in that particular case, he has the power to appoint the natural guardian."

Mississippi intends to be especially solicitous regarding the interests of minors and the statutes are very rigid regarding guardianships and the performance of the duties attached thereto as shown by the 1906 Code from Sec. 2404 to 2444 inclusive.

A valid marriage may be contracted by a girl of eighteen years, but under that age the female must have her parent or guardian give consent personally before the

clerk of the circuit court of the county who issues the license.

Sec. 1673 of the Code of 1906 annuls the paramount right of the father to the custody of the children in divorce proceedings. The award of the custody of the children is now left to the discretion of the court, governed by the existing circumstances.

Acts of 1916, Chap. 227, amends Secs. 3582 to 2586, inclusive of the Annotated Code of 1906, providing for apprenticeships of pauper children, the new law authorizing the board of supervisors to place pauper children in the care of an orphan asylum or organization for the care of homeless and dependent children, whereas they were formerly consigned to the county poor house. Now children of seven years or over are not allowed to be retained in the poor home, if the child is in good health. They may be apprenticed under discretion of the Board, and such apprenticeships may be revoked at said Board's discretion, upon hearing.

Sec. 5055 (k), and same section (m), provide respectively for classing as vagrants: "Every person who shall abandon his wife or family, without just cause, leaving her or them without support, or in danger of becoming a public charge," and "All persons who are able to work and do not work, but hire out their minor children or allow them to be hired out, and live upon their wages are vagrants." Punishment for vagrancy, upon conviction is "not less than ten nor more than thirty days" imprisonment, unless bond be given, with sufficient security, in the sum of not less than \$201.00, for the future industry and good conduct of such person for one year from date of such bond.

Common prostitutes, and keepers of houses of prostitution, are also classified under this head.

There is no tax on inheritance.

The Acts of the Legislature of 1914 fixe the "age of consent" at eighteen years. This amends the former law, Sec. 1358, Code 1906, applies also to the amended Acts 1908,

Ch. 171. The fine for rape under this Act is \$500 maximum, or imprisonment for not longer than six months, or both, or by imprisonment in the penitentiary not exceeding five years. "Age of consent" here used, of course, means the lowest age limit at which a female, unmarried, may be said to consent to her own ruin. This was formerly 14 years. Under the age of twelve, punishment is death.

No boy under 12 years nor girl under 14 years may be employed in or permitted to work in any cotton or knitting mill in the State.

No boy under 14 nor girl under 16 may be employed or permitted to work in any cotton or knitting mill over 8 hours per day or 48 hours per week.

No person, firm, corporation, etc., is permitted to work any female in laundry, millinery, dressmaking store, office mercantile establishment, theatre, telegraph or telephone, or any other occupation not here enumerate, more than 10 hours per day, or 60 hours per week, except in case of emergency or public necessity.

There is no wage limit for women.

Chapter 100, of the Legislature of 1916, provides for the creation of a commission for the removal of adult illiteracy in Mississippi, know as "The Mississippi Illiteracy Commission," composed of five persons, both men and women, including the State Supt. of Education.

There is provision for the establishment and maintenance of a State school for delinquent children, (which term includes "Any child less than 18 years of age, residing or being at the time in the State of Mississippi (a) Who violates any municipal ordinances or State laws, etc. (b) who is destitute or homeless, or abandoned, or is in such an evil and immoral environment that such child is likely to develop criminal practices, etc." Government of this institution to be vested in a board of five trustees, appointed by the Governor with advice of Senate, on which "Women



shall be eligible to appointment as trustees, and to any other positions connected with this institution."

The Old Ladies' Home established by the State of Mississippi and maintained by State funds, for homeless, or helpless old ladies, without people or means sufficient to care for themselves, makes provision in the right way for those who should not be permitted to want for a home or care. This institution is not a "Poor House," but is what its name implies, an "Old Ladies' Home."

The State Librarian is thus provided for by the State Constitution of 1890: Sec. 106: "There shall be a State librarian, to be chosen by the Legislature, on joint vote of the two houses, to serve four years, whose duties and compensation shall be prescribed by law. Any woman, a resident of the State four years, and who has attained the age of twenty years, shall be eligible to said office."

This is the only office, elective, to which a woman is at present eligible in Mississippi. They may be appointed notaries public; and the professions are open to them, construing the masculine terms to include feminine, as provided by Sec. 1605 Code 1906, which says "Words in the masculine gender shall embrace a female as well as a male, unless a contrary intention may be manifested."

President Woodrow Wilson set up what was know as "The Summer White House" on that lovely stretch of pine bordered coast on the Gulf of Mexico and Pass Christian and the seclusion he sought at that time and which was so perfectly granted by the people of the State notwithstanding their deep interest in so noted a sojourner, is indicative of the Mississippian's innate regard for the rights of others. All through the laws of Mississippi runs the sentiment of perfect protection for the individual citizen, the maintenance of the homestead as the castle reserved to every man, and the security of the greatest degree of personal liberty consistent with good order and good morals.

Among other grounds for which Mississippi will grant

divorce are desertion of two years, consanguinity, cruelty and insanity at the time of the marriage.

Mississippi is a Prohibition State.

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## MISSOURI.

All real and personal property possessed by the married woman at the time of her marriage or acquired by her by purchase or devise, together with the rents, revenues and issues of same remains the separate property of the wife, and her earnings or the proceeds from any business conducted by herself goes to her separate property which is entirely free from the control of her husband. She may contract and be contracted with, sue and stand in judgment. This extensive recognition of the rights of married women is an evolution from the first Married Woman's Act of 1875 which gave to the woman as her separate property; and under her sole control, the personal property, including rights in action, belonging to her at marriage, or which might have come to her by gifts during coverture or by bequests or inheritance, or by purchase with her separate means, or from her separate labor or growing out of any violation of her personal rights, together with all income, increase and profit thereof. The amendment to the foregoing in 1883 gave her the right to sue in her own name for her personal property and rights in action. Sec. 6869 of Rv. Stat. of 1889 extended her separate control and ownership to her real estate and made her property subject to debts contracted by her before and during marriage. Sec. 6864 of Rv. Stat. of 1889 provides that a married woman shall be a *femme sole* so far as to enable her to carry on and to transact business on her own account, to contract and be contracted with, to sue and be sued in law and equity with or without her husband being joined as a party.' Miss Ethel Kynaston, a well known member of the Missouri bar,

says, "The provision of Sec. 6864 of the Revised Statutes of 1889 has brought about an interesting situation as regards real estate held by married women in their own right. If a woman was married before 1889, and the property was acquired by her in her own right before that date, the husband alone has the right to sue for any injury to it, or for the rents and profits, because the right of possession of such property and the right to the rents and profits thereof is vested in him. *Vanta vs. Johnson*, 170 Mo. p. 269. The right to rents and profits and the possession of land acquired after 1889 by a married woman in her own right is in her, so that as to lands then acquired, she is the proper party to bring suit. *Vanata vs. Johnson*, 170, Mo. p. 269, 250 Mo., p. 286.

Though the Married Woman's Acts enabled a married woman to sue, the courts held that so far as the Statute of Limitations concern her right to sue, she is still under disability. That is, that these Statutes do not begin to run against her rights of action until after the death of her husband, or the severance of the marriage relation. *Lindell Real Estate Co. vs. Lindell*, 142 Mo., p. 61. The same peculiar situation prevails as regards the right of a married woman to act as administratrix. A statute expressly prohibits her from acting as such. Since the passage of the Married Woman's Acts there seems to be no reason for the existence of such a law. There has been recent legislation regarding the parents' custody of children, which changes the Common Law right of the husband to the custody and earnings of the child. Laws of 1913, p. 91, entitled "An Act to give married women equal rights with their husbands as to the custody and control of the persons of their minor children, their wages and earnings and the management of their estate, making the wife liable for the support of her children to the extent of their earnings, qualifying a married woman to act as guardian or curator of a minor child, etc." One phase of this Statute was passed on in the case of Mere-

dith vs. Krauthoff, 177 Southwestern Reporter, p. 1112. There the question of a minor child arose and the court said that "Aside from giving the mother, as a married woman, the right to act as guardian of her child, and removing the common law preference for the father in the matter of its custody, thereby putting the parents on an equality in that respect, it is not seen that the statute makes any change in the existing law." It would seem that the court was speaking merely from the standpoint of custody—meaning that the child's welfare remains the important question, just as it was at common law, and that that question is still left to the court to decide. As the statute gives the father and mother a joint right to the custody and earnings, it follows that the father and mother both be required to join in suing for loss of the services of a minor child, and in all similar actions. This question has not yet arisen in the courts, but doubtless will, as will many others as a result of this statute.

The frequent legislation enlarging women's rights, the tendency of the courts to construe the common law, constitution and statute law as not disqualifying women unless they expressly do so, give great hope that in the near future women in Missouri will be fully emancipated."

The age of consent in Missouri is eighteen years, and between fifteen and eighteen years the penalty for rape of a girl is five years imprisonment, or fine, or both and for rape of a girl of less than fifteen the penalty is imprisonment in the penitentiary for five years.

Among other grounds for which divorce will be granted are habitual drunkenness for one year, abandonment for one year, vagrancy and indignities.

There is an inheritance tax on all property passing to others than husband, wife, parents, adopted child or lineal descendants of five per cent.

The surviving husband and wife have like consideration as to inheritance. The widow is entitled to life interest in

one-third of all lands owned by her husband, if there is no will she is entitled to a child's share in the personal property, if there be issue and if there are no children she is entitled to dower and one-half of the personal property of the husband after the debts are paid.

Minors of less than fourteen are forbidden to work at gainful occupation except domestic or agricultural service.

Minors between fourteen and sixteen may work by securing a school certificate but for not more than 48 hours in a week or eight hours a day.

Minors of less than sixteen are prohibited from working in places dangerous to life, limb or morals, and women are prohibited from working where intoxicating liquor is sold.

It is expressly forbidden women to work for more than nine hours a day in manufacturing, mechanical, or mercantile establishments or factory workshops, laundries, bakeries, restaurants, places of amusement, as clerks, stenographers, in express companies, public institutions, etc. As the labor day for men is regulated at eight hours per day it is to be assumed that women in Missouri, given an hour a day longer for work, are not deemed the weaker sex.

Missouri has a Mother's Pension Law which gives jurisdiction of applicants to the Juvenile Courts. St. Paul has a specific ordinance under which mother's are pensioned which allows the payment of \$3.50 per week for the maintenance of each child in the care of a proven worthy mother. The State law provides for the partial support of widows, wives of prisoners and those confined in insane asylums who are the mothers of children of less than fourteen and who are in indigent circumstances.

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## MONTANA.

All property which belonged to the wife at the time of her marriage or which she acquired by inheritance, purchase



or with her funds after marriage remains her separate estate and is not under the control of her husband, nor is it liable for his debts.

The husband is deemed the head of the community and he is recognized as having the right to establish domicile and to make all necessary contracts for the maintenance of the family for whose support he is liable, however, if the husband has not sufficient funds for the proper care of the family and the wife has a separate estate she is liable for so much of the maintenance as the husband is unable to meet. Beyond contracts for the maintenance the husband and wife are not liable for the debts of each other.

The husband is entitled to an inheritance of two-thirds of his wife's estate which cannot be divested by her will and she is entitled to one-third of the lands owned by her husband.

The surviving husband or wife of an intestate spouse is entitled to one-half of the estate if there is one child, one-third if there is more than one-child. If there be no issue then the estate goes one-half to the surviving spouse and the other-half goes to father, mother or their descendants. If there does not survive parents or descendants the whole estate goes to the surviving spouse.

The custody of children is deemed due equally to the father and mother or the surviving parent.

In 1916, by referendum, Montana adopted constitutional prohibition.

The age of consent is eighteen years and the penalty for rape is imprisonment from two to ninety-nine years.

Among the grounds for which divorce will be granted are Habitual drunkenness for one year, abandonment for one year, non-support, and Montana forbids the innocent party to re-marry within two years after the decree of divorce and the guilty party is prohibited from marrying within three years.

There is an inheritance tax on property passing to husband, wife, father, mother, child, brother, sister, son-in-law and daughter-in-law of one per cent. with an exemption of \$7,500.

A girl of sixteen can contract a valid marriage but she cannot make any other valid contract beneath the age of eighteen years.

Montana has a Mother's Pension Law which is wide in its scope and generous in its provisions. An allowance will be made of ten dollars a month for one child, seven dollars and a half additional for the second child and two dollars and a half for each additional child of any mother who is a widow or whose father is an inmate of an institution of correction or charity or who is physically or mentally unfit to provide for his family.

Montana will probably always be most notable to women for having sent Miss Rankin, as the first woman entitled to sit in the Congress of the United States.

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### NEBRASKA.

All the property, real and personal, of a married woman owned by her at the time of her marriage or acquired subsequently, except by donation from her husband, and all the rents and profits thereof, are her separate property and not under the control of her husband. She may contract with reference to her separate estate and convey it in sale. She may sue and stand in judgment and may carry on her separate business and her earnings go to her separate estate. She is not liable for her husband's debts. The husband cannot divest title to the homestead unless he is joined in the conveyance by his wife, nor can he mortgage or otherwise hypothecate the homestead unless his wife gives her written consent and joins.

Dower and curtesy are abolished.

The surviving husband or wife is entitled to the personal property to a value of two hundred dollars, but if

there is no children or close kin the survivor is entitled to the whole estate. If there is one child the surviving spouse is entitled to one-half of all real estate and if there are more than one child, to one-third.

Marriage emancipates the married woman of sixteen for the administration of her property, but the unmarried woman does not attain her majority and the right to control her property until she has attained eighteen years.

The father and mother are deemed equally entitled to the guardianship of children.

Nebraska has a Red Light and Abatement Law.

The penalty for rape of a girl of less than fifteen years is imprisonment from three to twenty years.

Among the grounds for which divorce will be granted are habitual drunkenness for two years, abandonment for two years, imprisonment for three years and cruelty.

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### NEVADA.

All property of the wife, real and personal owned by her at marriage or acquired by gift, devise, bequest or descent remains her separate property and the property of the husband receives the same consideration. All property acquired by either husband or wife after marriage other than above is common property. The wife may manage and convey her separate property without the consent of her husband. The husband is deemed the head of the community and hence all the property which is common property is under his control and he may dispose of it the same as of his separate property, except that he may not dispose of the homestead by mortgage or sale except the wife join. At the death of either spouse the survivor takes all of the common property. Dower and curtesy are abolished. If the husband is unable to support himself and it is shown that his wife has a separate estate, she is required to give him support. Married women may transact business as public mer-

chants and the earnings of the wife belong to her exclusively. The husband is liable for the maintenance of the home and children unless it is shown that the wife is a public merchant and then she is equally liable for the support.

If a husband or wife die intestate then the separate property goes one-third to the surviving spouse and the remainder to the children; if there is but one child then one-half goes to the survivor and if there are no children or parents, or descendants of parents, then the whole of the separate property goes to the surviving wife or husband. The common property is considered as belonging one-half to each, hence the survivor takes the half of the deceased unless there are children when they share with the surviving parent. If the estate is less than \$500 the whole goes to the surviving spouse and children without administration.

Women become of age at eighteen years in Nevada though she may contract marriage, with the consent of her parents, at sixteen years.

The penalty for rape is imprisonment for from five years to life and the age of consent is sixteen.

There are few women and children employed in manufacturing plants in the State of Nevada but the following laws have been enacted for the protection of those who do thus labor:

Boys less than eighteen and girls less than sixteen are prohibited from working at any gainful occupation except farm work and in domestic service for more than forty-eight hours a week, or eight hours a day, and minors of less than eighteen are prohibited from working as messengers or in the delivery of goods and merchandise between ten at night and five in the morning.

Children between eight and sixteen must attend school during the school sessions. Minors, boys and girls, are forbidden to work in saloons or where intoxicating liquors are handled, and they are prohibited from working as beg-

gars, in immoral places or at employment dangerous to life or limb.

Nevada has always made certain provisions for indigent children but by an amendment passed in 1915 the State provides a Mother's Pension and the distribution of funds and investigation of cases is placed in the hands of the County Commissioners. The law provides for the support of women whose husband's are dead, or are inmates of a penal institution or in insane asylum, or who are abandoned by their husband's and such abandonment has continued for more than a year, or because of the total disability of their husbands, and who are unable to support their children. The allowance is made of fifteen dollars per month for one child of less than fifteen years of age, and if there are more children then a further allowance of five dollars for each will be granted.

A residence of six months enables a man or woman to sue for divorce in the courts of Nevada but the fact that the State is very liberal in its relief has caused it to become the Mecca for those who would be unwed and who do not find in the State of their domicile an easy way to divorce. Hence Nevada now requires that the six months residence be bona fide, there can no longer be a constructive residence obtained by the renting of a room and an office with a sign declaring the quasi-resident an agent of something or other which requires merely an occasional look in on the supposed business. If the applicant leaves the State during the six months a good and valid reason for so doing must be furnished the court. The grounds for which divorce will be allowed are cruelty, non-support, habitual drunkenness, abandonment for one year and conviction of a felony. The decree of divorce is immediately effective.

When the death penalty is imposed in Nevada the condemned is permitted the choice of hanging or shooting to fulfil the order of execution.

There is an inheritance tax on property passing to



husband or wife, ascendants or descendants of one per cent. with an exemption of twenty thousand dollars to the widow or minor child, and an exemption of half that amount to the others named. To brother, sister, nephew, niece or their descendants there is a tax of two per cent. with an exemption of ten thousand dollars. To uncles, aunts or their descendants the tax is three per cent. and the exemption five thousand dollars.

Nevada has equal suffrage but neither prohibition nor local option, nor any form of the Red Light and Abatement Law for the restriction of vice.

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### NEW HAMPSHIRE.

The married woman in New Hampshire may hold, acquire and convey her real estate. Property owned by her at the time of her marriage remains her own and is in no way subject to the control of her husband, nor is any property subsequently acquired by her, nor the proceeds from her earnings. She may make contracts in her own name, make notes, buy goods, and transact any business whatever the same as if sole though she cannot contract directly with her husband, become surety for him nor is she liable on any undertaking in his behalf. In case of desertion, or when the husband is a spendthrift, insane or under guardianship, the wife has all the rights of a femme sole.

The surviving husband or wife and minor children are entitled to use of the homestead for life, such homestead not to exceed the value of \$500.

There is dower and curtesy as at common law. If the widow elects to release her dower she may take in lieu thereof one-third of all of her husband's estate if he leaves children and if there are no children, then \$5,000 and one-half of the remainder. The husband may release his

curtesy and take the same provision allowed the widow in lieu of dower.

Children under fourteen years of age are prohibited from working in mills and factories, mercantile establishments and gainful occupations generally and children under sixteen who work must have school certificates. Minors less than sixteen are prohibited from working in any place dangerous to morals, life or limbs.

Women are prohibited from working more than nine hours a day or fifty-four hours a week and seats must be provided for female employees. Children between seven and fifteen must attend school.

New Hampshire has a Mother's Pension Law which vests jurisdiction of the cases of indigent widows and children in the Department of Education. After investigation if a mother is found a woman of good morals and in every way best fitted for the care of her children, but unable to earn enough to give the proper maintenance to her offspring, she will be allowed ten dollars a month for one child and five dollars a month apiece for other children, the pension ceasing for each child as it attains sixteen years.

The guardianship of children is deemed jointly due by mother and father, and upon the death of either, to the survivor.

With the consent of parents a girl of twelve years may contract marriage but she must have attained twenty-one years before she can make any other valid contract.

Divorce will be granted for cruelty, non-support for three years, habitual drunkenness for three years, if the husband absents himself from the United States for three years with the intent to become a citizen of another country or if the wife remains without the State for ten years without communicating with her husband, or for marriage with a person of a sect which deems marriage unlawful.

The penalty for rape is imprisonment for not more than thirty years.

There is no inheritance tax on property passing to husband, wife, parents, lineal descendants, daughter-in-law or son-in-law, and to all others there is a tax of five per cent.

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### NEW JERSEY.

Property owned by a woman at the time of her marriage or afterward acquired by gift, grant, descent, devise, or bequest, and the income derived therefrom is her separate property and in no way subject to the control or disposal of her husband, or liable for his debts. The earnings of a married woman belong to her separate estate, but the savings from the community funds belong equally to husband and wife. She may bind herself on contract, sue and be sued, but she cannot be an accommodation endorser or surety nor is she liable on any promise for the debt or default of another. She cannot encumber or convey real estate without her husband but a married woman having power to convey as executrix, administratrix, trustee or guardian may make a valid deed as such without her husband's signature.

The husband may make a will and dispose of his entire property without provision for his wife. The surviving husband or wife, if there is no will, has a life interest in one-third of the property, and if there are no relatives, to the entire estate.

When a man refuses or fails to support his wife and she lives separate from him she may, on order of court, sell, mortgage or lease her lands and she may sue her husband in all matters relating to her separate property.

Minors less than fifteen are generally prohibited from working in any place dangerous to morals, life or limbs.

Minors less than eighteen are forbidden to work as

beggars, or to sing or play on musical instruments on the public streets.

No female is permitted to work in any manufacturing or mercantile establishment, bakery, laundry or restaurant for more than ten hours a day or sixty hours a week provided that this shall not apply to any mercantile establishment for the six working days before December 25th.

Minors under sixteen are prohibited from working more than eight hours a day, and are forbidden to clean machinery in motion, and children less than sixteen must have school certificates if they work at gainful occupations.

There must be seats provided for all female employees.

Children between seven and fourteen must attend school during the school sessions and between fourteen and sixteen unless they have attained a certain proficiency and are at work on a school certificate.

New Jersey under a law "To promote home life for dependent children" will pension mother's so that they may keep their children with them and give them the necessary care and education. Applicants for this relief must state in a petition addressed to the Court of Common Pleas the full history of the mother, of her deceased husband and of the children, and give the name and address of all close relatives, together with a statement of her effort to maintain her children and the detail of her life for the preceding five years. After investigation if it is found that the mother is a proper person and that she cannot keep her children and they will become a public charge unless she is assisted, the State will allow a pension of nine dollars a month for one child, fourteen dollars for two and five dollars a month for each additional child. The State Board of Children's Guardians then takes charge of the case and at least six times a year the home is visited and a report made of conditions.

The father is given preference in the guardianship of children and, if the mother consent, he can, by will,

appoint a guardian for the custody and care of his children after his death and until they will have reached the age of twenty-one years.

There is an inheritance tax on property passing to husband, wife, child or lineal descendants of one per cent. from five to fifty thousand dollars and one and a half per cent. from fifty thousand to one hundred and fifty thousand, two per cent. to two hundred and fifty thousand and three per cent. above that figure. To brother, sister, son- or daughter-in-law the rate is two per cent. from five to fifty thousand dollars, two and a half per cent. to one hundred and fifty thousand dollars, three per cent. to two hundred and fifty thousand dollars and four per cent. on amounts above that figure.

New Jersey has a Red Light and Abatement Law.

The penalty for rape of a girl of less than twelve years of age is a fine of \$5,000 or imprisonment and hard labor for not more than thirty years, or both; and for rape of a girl less than sixteen the penalty is a fine of \$2,000 or imprisonment and hard labor for not more than fifteen years, or both.

The complainant in a divorce action in New Jersey who sets up reasons which occurred outside the State must show that such grounds would have constituted a right to divorce in the State where such act occurred. Among other grounds for divorce in New Jersey are desertion for two years, and cruelty and among other grounds on which marriage may be annulled are lack of legal age to contract marriage, idiocy and consanguinity.

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## NEW YORK.

Both the real and personal property of a married woman owned by her at the time of her marriage, or subsequently acquired, remains her separate property and is



not liable for her husband's debts. She may engaged in any trade or business and her husband has no control of her contracts with relation thereto and he cannot be held for her bargains. By Act of 1906 she may bring suit on torts without joining her husband. If a wife sustains injury she has the right to recover damages; her husband, also has a right to recover damages for his own account when his wife sustains any injury; but when a husband sustains injury he alone can recover damages for the wife has no cause of action to recover damages by reason of injuries to her husband, unless such injuries prove fatal. Sums recovered by the wife for damages to her estate, person or character go to her separate estate.

A husband is responsible for the ante-nuptial debts of his wife to the extent only of the assets he received with her at marriage.

A woman may make a will disposing of her personal property when she is sixteen years of age, but she cannot dispose of her real property, *causa mortis*, until she has attained twenty-one years. A married woman may hold patents for her inventions and may vote on stock in her own name, and, with the consent of the insured, she may assign insurance policies made in her favor.

A widow is entitled to dower of one-third in all lands owned by her husband. The surviving husband is entitled to life interest in all lands owned by his wife. When there is no will the real property goes to father, mother, collaterals.

The Mother's Pension has proven probably the most beneficent law on the Statute Books of the State of New York. In congested and over-populated Manhattan it is shown by investigation that charity is the sixth largest business, that it keeps employed an army of experts and top-heavy salaried institutional employees, that by its

method of maintaining a child in one of its institutions the cost per annum, per capita, is three hundred dollars, while one hundred dollars a year is sufficient to maintain a child at home.

There is a provision in the Mother's Pension Law of New York which limits relief to the children of American citizens. As there is a huge foreign population in New York it follows that there are many children forced by necessity to become wards of the State who have to go to the public institutions.

By Act of 1915 there was established local Child Welfare Commisissions to investigate applicants for the pension and to see that those who are beneficiaries remain worthy of the trust. Any widow of an American citizen who is unable to care for her children and who is shown to be mentally, physically and morally the best custodian for her offspring and who has resided in the State, County and City for not less than two years preceding her application, will be allowed an amount necessary to care for her children less than sixteen years of age.

There is compulsory education for children between seven and fourteen years of age and children between fourteen and sixteen who are not employed must attend school during the school session. Children between fourteen and sixteen who work must file school certificates showing attendance of not less than 130 days in the preceding year, physical fitness, the date of birth and an ability to read and write simple English. Children of less than fourteen are prohibited from working in any factory and between fourteen and sixteen if employed it must be during the day as night work is prohibited.

Women are prohibited from working in factories more than nine hours a day regularly, and female minors are prohibited from working after nine o'clock at night.

Women of more than eighteen may be employed in canning between June 15th and October 15th as much as ten

hours a day or sixty hours a week, and this time may be extended by the Industrial Board to twelve hours a day or sixty hours a week if the industry requires and the health of the employee permits.

Children of less than sixteen are prohibited from working in places dangerous to life and limbs, among dangerous chemicals, in distilleries, breweries or where alcoholic liquors are manufactured or packed.

Children less than sixteen are prohibited from running elevators and girls less than sixteen are prohibited from work which requires continuous standing.

Women are prohibited from working in any factory, workshop or mercantile establishment within four weeks after the birth of a child.

Children less than sixteen are prohibited from working in mines and quarries.

Seats must be provided for female employees.

No woman or girl or minor less than eighteen will be allowed to sell or serve liquor for consumption on the premises.

Children less than sixteen are prohibited from working in any indecent or immoral occupation or where there is danger to life or limbs.

The age of consent is eighteen years and the punishment for rape is imprisonment for not more than ten years.

New York has a Red Light Injunction and Abatement Law which provides for the closing as a nuisance any building used for immoral purposes, for lewdness, assignation or prostitution, and any domestic corporation for the suppression of vice may bring suit for such suppression and issuance of the injunction.

Section 16 of the New York Domestic Relations Law requires that if the man is less than twenty-one and the woman less than eighteen the written consent of parents must be had by the recording officer, for the issuance of a marriage license. Section 7 of the same law provides

that the marriage is voidable if either party is under the age of eighteen years.

Divorce will be granted but for the one reason—adultery. But a separation may be had which will provide for a separate domicile, care and custody of children, support, etc., for desertion, non-support and cruel and inhuman treatment.

There is an inheritance tax on property passing to husband, wife or child from \$5,000 to \$25,000 of one per cent.

To brother, sister, son-in-law or daughter-in-law, from \$500 to \$25,000, the tax is two per cent., three per cent. on the next seventy-five thousand dollars and four per cent. on the next hundred thousand dollars.

To others more remote the tax is five per cent. on amounts from \$500 to \$25,000, six per cent. on the next seventy-five thousand and seven per cent. on the next hundred thousand.

In April, 1917, there was passed a law regulating the hours when women would be permitted to work in restaurants, a nine-hour day being the limit of time.

In 1907 there was established in New York what was known as "The Women's Night Court," where women were tried at night for offenses against morality. This court became one of the "sights" of New York, and in 1914 Chief Magistrate McAdoo said of it:

"This court continues to attract the attention of great numbers of people, not only here but throughout the country and in foreign lands. It is the only court in the world held exclusively for women and for certain offenses."

An effort was made to abolish this Woman's Night Court in 1917, ten years after its establishment, which would have turned one of the most spectacular pages in the Directory of New York's places of interest.

## NORTH CAROLINA.

All property, real and personal, owned by a woman at the time of her marriage or subsequently acquired in North Carolina remains her separate estate, and is not liable for the debts of her husband. The revenues from her separate property and her earnings go to her separate estate, but a married woman cannot make a contract without the consent of her husband except for actual necessities of life, for which he is liable. If the wife is abandoned by her husband she may contract and bind her separate estate without his consent and she may insure the life of her husband for her benefit if the premium does not exceed three hundred dollars.

The husband living with his wife is liable with his wife jointly for her torts.

The husband, if there has been issue born alive, is entitled to an estate as tenant by curtesy for life in all real estate owned by her, unless it is shown that he maliciously turned her out of doors or abandoned her.

The widow is entitled to dower of one-third of the husband's real estate, including the home, and an allowance for the support of herself and children for one year out of his estate.

If the husband die intestate the real estate goes to his lineal descendants or to the next collateral relatives and only if there is no heir does the widow take the estate.

Children less than twelve years of age are prohibited from working in mines, mills or factories and children between twelve and thirteen can only be so employed if they have certificates showing school attendance of four months in the preceding year and are apprenticed. Minors less than sixteen are prohibited from working after 9 p.m.

Women and minors are prohibited from working more



than ten hours a day. Children between eight and twelve must attend school.

Seats must be provided for women employees.

North Carolina has no Mothers' Pension Law, no Minimum Wage Law. There are no adequate protective laws for the army of nearly forty thousand women and children who labor within her boundaries in mills, factories and mercantile establishments, and the State passed an Act for the restriction of vice to apply to but one county, the County of Guilford, reading: "An act to prevent the degrading of public morals in the County of Guilford." Just why North Carolina is so much more solicitous of the morals of Guilford than the remainder of the Commonwealth is not easily understood.

A girl may marry, with consent of her parents, at fourteen years of age. Residence of two years is required for the institution of divorce proceedings and divorce will be granted for husband and wife living apart for ten years and having no issue, for physical incapacity and when the wife was pregnant by other than the husband at time of marriage.

The penalty for rape of a girl of less than ten years is death and between ten and fourteen (if previously chaste) fine and imprisonment in the discretion of the court.

North Carolina is a prohibition State.

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## NORTH DAKOTA.

A married woman may own in her own right real and personal property, manage, sell, convey and devise her estate as freely as though unmarried. She may make contracts, sue and be sued on her obligations. Husband and wife have no interest in the property of each other and they are not answerable for each other's acts. The earnings of the wife belong to her, are not liable for the debts of her

husband and are in no way subject to his control. But the husband is deemed the head of the family in the selection and maintenance of the conjugal dwelling; he is responsible for the support of his wife and children, and they must abide by his provision. However, if the husband becomes infirm and unable to support the family or himself then the wife becomes liable for the support of the conjugal abode and she must maintain her husband out of her separate estate.

The homestead goes to the surviving husband or wife. The same law of inheritance applies to husband or wife. If either die intestate the survivor is entitled to one-half of the estate if there is but one child, and to one-third if there are more children; if there are no children all of the estate to the value of \$15,000 goes to the survivor and any excess is divided between the survivor and the parents, and if there are no parents the survivor takes all.

Children under fourteen years of age are prohibited from working during the school sessions and if children between fourteen and sixteen are employed they must file with their employers an employment certificate. Minors less than sixteen are prohibited from working more than eight hours a day or after seven o'clock at night, to work with dangerous machinery, or where acids are employed, in elevators or in any other place dangerous to life, limbs or morals. Female minors less than sixteen may not be employed where they will be required to stand continuously. Any employer who compels women or minors less than fourteen to work more than ten hours a day is guilty of a misdemeanor and can be prosecuted for same.

North Dakota has a Mother's Pension Law which provides aid to mother's for children less than fourteen. Jurisdiction is given the County Courts and when a destitute mother is found to be a person fitted to care for her children, if she has lived in the county a year she will

be allowed fifteen dollars a month for each child.

The father is deemed the legal guardian and entitled to the care, custody and earnings of all his minor children. The mother succeeds the father in the duties, rights and obligations of guardianship if she survives her husband.

The penalty for rape of a girl of less than sixteen years is imprisonment for not less than five years, and between sixteen and eighteen years the penalty is imprisonment from one to fifteen years.

Among other grounds for which North Dakota grants divorce are abandonment for one year, habitual drunkenness for one year, cruelty, neglect for one year and conviction of a felony.

North Dakota is a Prohibition State.

There is a Red Light Injunction and Abatement Law.

There is an inheritance tax on property above \$20,000 passing to husband, wife, father, mother or descendants, of one per cent. to \$100,000.

To brother, sister, son-in-law and daughter-in-law, the exemption is \$500 and the tax one per cent. to \$100,000.

North Dakota does not inflict capital punishment and the extreme penalty of the law is imprisonment for life.

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## OHIO.

All property, real and personal, belonging to a woman at her marriage, or acquired subsequently by conveyance, gift, devise or inheritance, or by purchase with her separate money, or from her personal labor, together with the income therefrom, is her separate property. The separate property of a married woman in Ohio is free from liability for the debts of her husband and is under her sole control. She may sue and be sued in her own name. A married woman whose husband deserts her or neglects to provide for her and his family, may, by application to the Court

of Common Pleas, secure the care and control of the minor children and the right to convey real property, and when so deserted or neglected she may contract for the labor of herself and her minor children and collect the earnings. But while the husband lives with his family he is deemed the head of the domicile and has full authority and he is liable for the support of himself, his wife and his minor children. A married woman in Ohio may manage her own property, may contract and be contracted with the same as if sole. The husband and wife may be partners in business or the wife may transact business on her own account as a public merchant.

If husband or wife dies intestate the survivor takes all the personal property and if there are children the surviving husband or wife takes half of the first four hundred dollars and one-third of the remainder. If there are no children or lineal descendants the real estate passes to the surviving spouse in fee, unless the property was inherited from an ancestor in which event the surviving spouse has only an interest for life in the realty and it passes to the natural heirs. The widow is entitled to dower but curtesy is abolished.

The preference in guardianship is given to the father, then to the mother if she survive him.

The penalty for rape of a girl less than twelve years of age is imprisonment for life, and between twelve and sixteen years the penalty is imprisonment from one to twenty years.

A girl may contract marriage at sixteen with her parents' consent and at eighteen without parental consent. There are ten grounds for divorce, among others being, desertion for three years, cruelty, habitual drunkenness for three years and conviction of a felony.

Ohio has a Mother's Pension Law providing for payment on a sliding scale, according to the number of children, to the worthy mother according to the facts and conditions

prevailing. The allowance is limited to fifteen dollars a month if there is but one child and not more than seven dollars a month each if there are other children. Ohio has, in addition to the Mother's Pension Law, a provision for the aid of school children where they cannot receive the proper maintenance from their parents or relatives.

The Labor Law restricts the work of women over eighteen to not more than fifty-four hours in a week or ten hours per day. There are many Statutes providing for proper sanitary regulations and for the physical comfort of employees.

Minors between eight and fifteen must attend school during the school sessions. Between sixteen and eighteen minors may be employed only if they have school certificates. If the children are unable to supply themselves with necessary books and paraphernalia it will be provided by the Truant Officer and a further weekly allowance will be made; if necessary for support.

Minors of less than fourteen are prohibited from engaging in gainful occupations of any kind, and boys between fourteen and sixteen will not be permitted to work more than eight hours a day and female minors are not permitted to work before seven in the morning or after six in the evening. Women are prohibited from working after ten in the evening and before six in the morning.

Women and minors are prohibited from working in places dangerous to life, limbs or morals.

There is an inheritance tax on property descending to others than husband, wife, child, lineal descendants and parents of five per cent. above \$500, which is exempt.

Ohio gave suffrage to women by an Act passed by the 1917 Legislature.

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### OKLAHOMA.

A married woman in Oklahoma may own, manage, sell



or hypothecate, or devise both real and personal property acquired by gift, descent, or by purchase and make contracts, incur liabilities and do any and all of the things necessary and requisite to own or alienate property of any kind the same as if she were unmarried. Neither husband or wife has any interest in the property of the other but neither can be excluded from the other's dwelling. Husband and wife may contract with each other, respecting property, subject to the rules of law as to persons in confidential relations. Neither is answerable for the acts of the other. When the married woman lives separate and apart from her husband her earnings and those of her minor children go to her separate estate and her separate property is not liable for the debts of her husband, but when they are living together the husband is deemed the head of the conjugal home and has full authority as to its regulation, location, etc. If he is able to do so he must support his wife and family but if he is not able then the separate property of the wife is liable for the obligation. If either husband or wife be absent from the marital domicile for more than one year the court may authorize the other to sell or mortgage the property of the absentee for the support of the family.

The surviving husband or wife has the right to the use of the homestead. Personal property, household furnishings and paraphernalia, books, etc., go to the surviving spouse.

If the husband dies intestate personal property to the value of \$1,500 goes to the widow and minor children exclusive of any claims, if there be more than that value the excess goes one-half to the mother and the other half to one child, if there be more than one child then the widow takes one-third of the excess above \$1,500 and if there are no children the widow takes all.

In any event one-third of the property goes to the surviving wife or husband and cannot be diverted by will.

Boys less than sixteen, women and girls, are prohibited from working in mines and quarries.

Minors less than fourteen are prohibited from working in mills, factories and places injurious or dangerous to life, limbs and morals. Minors less than sixteen who work must file a school certificate.

Seats must be furnished to female employees.

The guardianship of children is deemed due equally to the father and mother and is left to the discretion of the court.

The penalty for rape of a girl less than fourteen years is death or life imprisonment, between fourteen and sixteen the penalty is imprisonment from one to three years.

A girl of fifteen may be married with the consent of parents. Oklahoma will grant divorce, among other reasons, for the following: Abandonment for one year, cruelty, habitual drunkenness and gross neglect.

There is an inheritance tax on property passing to a widow of one per cent. above twenty-five thousand dollars, of one per cent. above ten thousand dollars to each child and one per cent. above five thousand dollars to brother, sister, son-in-law and daughter-in-law.

Oklahoma has had woman's suffrage since 1907.

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## OREGON.

Married women in Oregon have the right to sell, manage, convey and devise their separate property which consists of all the estate owned at the time of marriage or acquired subsequently in any manner-whatsoever. The separate property of the wife is not liable for the debts of the husband, but the property of both husband and wife are equally liable for the support and education of the children,



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President Women Lawyers' Association



and legitimate family expenses; neither being liable for the contracts of the other beyond this provision. Husband and wife are free to convey property to each other and to contract with each other.

By special Statute all civil disabilities have been removed from the married woman and she may be sued and appeal to the courts in her own name and right.

There is curtesy and dower of the right to the use for life of half of all lands owned by the deceased.

The surviving wife or husband is entitled to one-half of the personal property if there is a child and to all if there are no children.

The State of Oregon when it established the Industrial Welfare Commission in 1913 took a step in advance of Massachusetts and Nebraska in their Welfare Commission provisions. The intent is summarized in the preamble which reads: "Whereas the welfare of the State of Oregon requires that women and minors should be protected from conditions of labor which have a pernicious effect on their health and morals, and inadequate wages and unduly long hours and unsanitary conditions." There follows many regulations to control the sanitary conditions where women and minors are employed and it is made unlawful to employ minors for unreasonably low wages. The commission is composed of three persons, one to represent the employers, one the employees and one the disinterested public, without salary, but their expenses are defrayed. The first commission had as one member a woman who acted as secretary. The duty of the commission is to investigate and declare proper standards and conditions of labor for women and minors, length of time of labor days, minimum wages (which means the wage on which these laborers can be maintained in health).

Under the Labor Law children of less than fourteen are prohibited from working during school sessions and minors less than sixteen must have school certificates if



permitted to work at gainful occupation, and they are not allowed to work at night.

Maximum hours for girls under eighteen: eight hours, twenty minutes a day; fifty hours a week in manufacturing or mercantile establishments, millinery, dressmaking, or hairdressing, shop, laundry, hotel, restaurant, telephone or telegraph establishment. Such girls not to be employed after 6 p.m.

Females in mercantile establishments (Portland) eight hours, twenty minutes per day, fifty hours a week; no work after 6 p.m. of any day.

Females in manufacturing establishments (Portland) nine hours a day, 56 hours a week. Office work (Portland) fifty-one hours a week.

No women to be employed in any industry in the State more than fifty-four hours a week.

Women not to be employed after 8.30 p.m. in any mercantile, manufacturing or laundry establishments.

The Mother's Pension Law, in effect since 1915, provides that every woman who has one or more children whose husband is dead, an inmate of a State institution or is incapacitated by reason of disease, physical or mental, and whose children are dependent upon her for support, is entitled to receive ten dollars a month if there is but one child, and seven dollars and a half for each additional child, if more than one, the whole not to exceed forty dollars a month. The woman must have been a resident of the State for three years and must be a woman morally and physically fit for the care and custody of her children.

Oregon has equal suffrage and has been a prohibition State since 1916. Capital punishment is not inflicted and the extreme penalty is imprisonment for life.

There is a Red Light Injunction and Abatement Law.

A girl of sixteen may contract legal marriage with the consent of her parents.

The custody and guardianship of the children devolves equally upon the father and the mother and the earnings

of minors are due and controlled by both. In the event of the death of either, then the survivor.

Marriage may be dissolved at the suit of the injured party for any one of the following causes: Impotency, adultery, conviction of felony, habitual drunkenness, desertion of one year, and cruel and inhuman treatment.

The plaintiff must be a resident of the State at the time of commencing suit, and for one year prior thereto.

If defendant resides out of the State, and personal service of the summons cannot be made, service may be made by publication of the summons in a newspaper once a week for six weeks.

The court may order the husband to pay a sufficient sum of money to enable the wife to prosecute the suit, or defend it, as the case may be. The court may also provide for the care, custody and maintenance of minor children during the pendency of the suit, and for the freedom of the wife from the control of the husband pending suit.

The prevailing party in the suit is entitled to the undivided one-third of the whole of the real property owned by the other at the time of the decree.

There is an inheritance tax on property passing to husband, wife, parents, child, brother, sister, son-in-law, daughter-in-law and lineal descendants, of one per cent. above five thousand dollars, which is exempt.

Eleven States in which minimum labor wage had been established awaited a decision of the United States Supreme Court on a case taken there for decision from the State of Oregon, and in mid-April, 1917, the highest Tribunal affirmed the right of a State to regulate the wage of women laborers.

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## PENNSYLVANIA.

Married women in Pennsylvania have the right to con-

tract, hold, acquire and dispose of property, for all the disabilities of married women as to the acquisition and disposition of property, and the right to make contracts, hold acquire and dispose of property, has been substantially removed, except that she cannot mortgage, lease, or convey real estate unless her husband joins in the conveyance. Her deed or lease must be separately acknowledged. Property owned, or acquired after marriage or earned at any time by a married woman is her separate property and is not liable for the debts of her husband. She may carry on a business and make contracts with relation to same and sue and be sued in the conduct of such business or trade; she cannot, however, be an accommodation endorser or surety for another. She may sell and convey or dispose of at will her personal property without regard to her husband. The widow takes for life one-third, or, if there are no children surviving, one-half, of all real estate owned by her husband at his decease and she is entitled to dower in any estate owned by him during marriage, unless she released it or it was sold under execution. The husband is entitled to use of the wife's lands for life whether there are children or not. Husband and wife may sue each other for recovery or to protect the separate property of either.

If a husband fails to support his wife, or his children, if there are children, and the wife maintains herself and her children, she may petition the court to be permitted to carry on business for her support and upon securing such an order she is as free in her right to acquire or dispose of property as if unmarried and at her death her husband has no rights in her property.

Children under fourteen are prohibited from engaging in gainful occupation and between fourteen and sixteen children must have a school certificate if employed and may not be hired in any place dangerous to life, limbs or morals.

When a married woman contributes to the support of her child or children she is entitled to equal custody,

guardianship and services of her child or children with the father, and a mother who leaves an estate may appoint a guardian for her child or children who inherit such estate.

Pennsylvania reserves to each County the right to have a Mother's Pension provision, and if the county avails itself of it, then the State appoints a Board of Trustees to be composed of not less than five or more than seven women to carry out the regulations. This Board examines each applicant and if the destitute mother is worthy, and the best custodian of her children, she will be granted relief not to exceed twelve dollars a month for one child, twenty dollars for two children, twenty-six dollars for three children and five dollars for each additional child, and payment ceases when the child reaches sixteen or secures employment.

Pennsylvania has a Red Light and Abatement Law.

The penalty for violation of a girl less than sixteen (if chaste) is a fine of not more than \$1,000 and imprisonment not exceeding fifteen years.

In Pennsylvania persons of either sex who have not attained twenty-one years may obtain a marriage license on the written consent of parents or guardians. If a promise of marriage is made by any minor the promise can be repudiated on the minor reaching twenty-one years of age.

Among the other grounds for divorce are desertion of two years, abuse, lunacy, relationship within the prohibited degree, felony and fraud.

Estates less than \$250 are exempt from inheritance tax and there is no tax on property passing to parents, husband, wife, children, lineal descendants, stepchildren, adopted children, wife or widow of son, and to all others five per cent.

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### RHODE ISLAND.

A married woman in Rhode Island retains as her sepa-

rate property whatever estate she was possessed of at the time of her marriage or subsequently acquired, and the product of her earnings. She may acquire and dispose of her earnings. She may acquire and dispose of her property, control the rents, revenues and issues without regard to her husband, except as to his right of curtesy in her real estate. She may make valid contracts and dispose of her estate by will, subject only to her husband's right of curtesy. Her separate property is not liable for the expense of the family, or for the support of herself or children, except by her written order. A married woman coming from another State, whose husband has never lived with her in Rhode Island, after a year of continuous residence may transact business, make contracts, have the custody of her children, dispose of property and act in every way as a femme sole.

A widow is entitled to one-third interest in all lands owned by her husband during the marriage. If he dies intestate she is entitled to one-third of the personal property if there is issue and one-half if there are no children, and the Probate Court is empowered to award her, in addition to her dower of one-third, additional interest in the real estate if conditions warrant.

There is a compulsory education law for children between seven and fifteen years of age. Children of less than fourteen are not permitted to work and children between fourteen and sixteen must have a school certificate if they are employed and they are prohibited from working at night. Minors are not allowed to work in places dangerous to life, limb or morals and women are prohibited from selling alcoholic beverages except in licensed taverns or victualing houses. The hours of labor are restricted to nine hours in a day or fifty-four hours in a week.

Rhode Island will grant divorce for desertion of five years, habitual drunkenness, non-support of one year or gross misbehavior.



Estates of less than five thousand dollars are exempt from inheritance tax.

Rhode Island does not inflict death, the extreme penalty for crime being life imprisonment.

Rhode Island granted women suffrage in 1917.

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### SOUTH CAROLINA.

By the Constitution of the State of South Carolina, adopted in 1895 "The real and personal property of a woman held at the time of her marriage, or that which she may thereafter acquire by gift, grant, inheritance, devise or otherwise, shall be her separate property, and she shall have all the rights incident to the same to which an unmarried woman or man is entitled. She shall have the power to contract and be contracted with in the same manner as if she were unmarried." A husband is liable for the support of his wife and family but he is not liable for other debts of his wife. A widow is entitled to one-third of her husband's real estate and children the remainder; if there are no children she is entitled to one-half and the remainder goes to parents or the descendants of his parents. If there survives no kindred she takes the whole estate.

Children less than twelve years of age are prohibited from working in mines and factories. Children under fourteen are prohibited from working in too close proximity to dangerous machinery and when they are employed they must file with their employer a certificate setting forth name, birthplace, age and residence. Children less than sixteen are prohibited from working at night and their hours of labor are limited to sixty hours in a week or ten hours a day. The hours of work for women are limited to sixty hours in a week, not to exceed twelve hours in any day, and they are not allowed to work after ten o'clock at night.

South Carolina is a Prohibition State since 1916.

The labor laws for the protection of women and children are insufficient and leave much to be desired by advocates of legal safeguards to the health and morality of working women and minors.

The penalty for violation of a girl less than ten years of age is death or imprisonment from five to forty years, and less than fourteen, imprisonment for not more than fourteen years.

A girl of fourteen may contract a valid marriage with her parents' consent, but South Carolina makes no provision for the dissolution of the contract. There are no divorce laws in South Carolina.

There is no inheritance tax on estates.

South Carolina seems to stand among the States much like a certain Jim Downs did in a Kentucky town where a great revival had brought within the fold about all of the population. One night when the revivalist called for those who had not yet accepted religion to come forward to the mourners' bench, while all the congregation stood and sang lustily, Jim Downs started down the center aisle. The revivalist threw up his hands and shouted "STOP, cease singing! Here comes Jim Downs, a man supposed to be impervious to reform, and there's work for all God's people on his case for the rest of the night! We will devote our efforts to this last and hardest seeker of the Truth." The good sisters and brothers of the other States who have labored long and have brought about so many beneficent laws for women and children might well watch this fine old Southern State for its first unbending and then concentrate all of their efforts to make the surrender to the fold of Progress complete. Nowhere in the land is there more chivalry, finer old-fashioned standards of honor, probity and good demeanor, than in South Carolina, but there is a huge population of uneducated negroes to be considered and hence the problems of this State are many. Poor women who must

labor to live, and destitute widows and orphans need protection, but they can get it only along with civilizing education and a certain reorganization of a race which Time alone can produce.

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### SOUTH DAKOTA.

A married woman may own in her own right in South Dakota real and personal property, and she may manage, sell, and convey and devise the same as freely as though she were unmarried, and she may contract and sue and be sued as if a femme sole. The property of the husband is not liable for the debts or torts of the wife nor is the property of the wife liable for the acts of her husband. But the securing of a wife in her property rights gives her no additional personal rights. The husband is deemed the head of the family and he alone selects the domicile and orders the mode of life, and the wife must conform to his dictum. The husband is liable for the support of his wife and family and if he does not make proper provision the wife may secure it, and the property of the husband will be held for the obligation. However, if the husband is unable to provide, because of infirmity, it then becomes the duty of the wife to support him and the family and her separate property will be held for the obligation.

The surviving husband or wife remains in possession of the homestead and all the furnishings of the home pass to him or her. If there is no will the survivor takes one-half of the estate, up to \$5,000, if there are no children; and one-third if there are children.

South Dakota is a Prohibition State since 1916 and has a Red Light and Abatement Law fashioned after the Iowa law on the subject.

South Dakota does not inflict the death penalty but makes life imprisonment the maximum sentence for crime.

There is a Mother's Pension law which provides that County Court's shall examine into the application of destitute widows who need support for their children and, by an amendment passed in 1915 the relief will also be granted to women whose husband's are divorced.

Children under fourteen are protected from mine working and under sixteen from labor in any place dangerous to life, limbs or morals. Ten hours is the limit allowed for a labor day and children under fourteen must have a school certificate if employed.

A girl of fifteen may contract marriage with the consent of her parents.

Divorce will be granted for desertion, neglect or habitual drunkenness for one year.

There is an inheritance tax on property not exceeding \$15,000 passing to wife or lineal descendant, of one per cent.; to husband, ancestor, adopted child or its issue, one and a half per cent.; to brother, sister or their descendants, and to son-in-law and daughter-in-law, three per cent.; to uncles, aunts or their descendants, four per cent, and to all others five per cent.

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## TENNESSEE.

The rents and revenues of any property owned by a woman in Tennessee at her marriage passes into the control and custody, and may be diverted to the use of her husband. The husband's interest in his wife's lands cannot be taken for his debts. There are three ways to acquire property in Tennessee—by purchase, by inheritance and by marrying it; however, when realty comes by the last method of acquisition it cannot be disposed of by the husband unless his wife joins in the Act of Sale. But the general personal property of a woman, whether acquired before or after marriage, becomes, after being reduced to

ADDENDA—TENNESSEE

AN ACT TO REMOVE DISABILITIES OF COVERTURE FROM MARRIED WOMEN:

*Be it Enacted By The General Assembly Of The State Of Tennessee, That, married women be, and are, hereby fully emancipated from all disability on account of coverture, and the common law as to disabilities of married women and its effect on the rights of property of the wife, is totally abrogated, and marriage shall not impose any disability or incapacity on a woman as to the ownership, acquisition or disposition of property of any sort, or as to her capacity to make contracts and do all acts in reference to property, which she could lawfully do if she were not married; but every woman now married, or hereafter to be married, shall have the same capacity to acquire, hold, manage, control, use, enjoy and dispose of all property, real and personal, in possession, and to make any contract in reference to it, and to bind herself personally, and to sue and be sued with all the rights and incidents thereof, as if she were not married.*

*Passed February 20, 1913.*





possession by the husband, his property, and is subject to his debts, contracts and disposition as his own, being subject only to a first claim by her actual creditors. The and to son-in-law and daughter-in-law, three per cent.; to personal property of a wife is not subject to claims for debts incurred by her husband before marriage. A married woman may sue for her earnings or wages without joining her husband and when engaged in business she is liable for all debts contracted in its conduct.

A widow is entitled to dower of one-third interest in all of her husband's realty and the husband is entitled to curtesy of life interest in all lands of his wife if there was issue born alive. The personal estate passes to the surviving spouse if there are no children and if there are children it is shared by them equally.

When a married woman is living apart from her husband she may be empowered to dispose of her lands as if single, but generally the wife in Tennessee has no right to contract or bind herself in any way without her husband joins. She is liable as though unmarried for debts contracted in any mercantile or manufacturing business in which she may be engaged.

A mother has not the right to appoint a testamentary guardian for her minor children but a father has the right to appoint a guardian for his children until they attain twenty-one years of age. The mother becomes the guardian only if the father is dead and has not provided by will or deed for guardianship.

Tennessee has a Red Light law but a building used for immoral purposes can only be closed on the application of ten citizens and the county or district attorney concurring.

Tennessee is a Prohibition State since 1909.

A girl of twelve and a boy of fourteen may contract a legal marriage in Tennessee.

Divorce will be granted for desertion of two years, cruelty, habitual drunkenness and non-support.

There is no inheritance tax on property passing to

parents, husband, wife, child, or descendants, on amounts of less than five thousand dollars, and between five and twenty thousand the tax is one per cent, and above that amount one and a half per cent.

A Mother's Pension law has been in effect since 1915 which gives jurisdiction of dependent or neglected children to the Juvenile Courts. An allowance of ten dollars a month will be made for one child of sixteen or less and five dollars a month for each additional child.

The general provisions of the labor law in effect prohibit children less than sixteen from working in places dangerous to life, limbs, or morals and women and children less than sixteen are prohibited from working more than ten and a half hours a day.

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### TEXAS.

All property, real or personal, owned by a woman at her marriage, or subsequently acquired, remains her separate property, but she cannot dispose of or encumber her property unless her husband joins her or she is authorized by the court. The homestead is the joint property of husband and wife and can be disposed of only when both join in the deed. There is established by the marriage contract a community of interest and all property acquired during its existence is the property of both, except that a wife's earnings and compensation for injuries go to her separate estate.

The personal property located in Texas of a deceased husband or wife goes as follows: If there are children all personal community property descends to them, and the separate property goes one-third to the surviving husband or wife and the remainder to the children, and if there are no children then all of the community personal property goes to the surviving spouse. Children of half blood

inherit half as much as children of whole blood and adopted children, if there are no other children, inherit the same as children of full blood, otherwise they inherit in the proportion of one-fourth. The foregoing is subject to the first lien of a widow to a thousand dollars a year for support and five hundred dollars in lieu of exempt personal property. The surviving husband or wife has control of the community property, and has a one-third interest for life in all the real estate of the deceased spouse, and, if there are no children, all of the personal property. The father is deemed the natural guardian of his children and if the mother survive him she succeeds to the trust.

A girl of fourteen, with parents consent, can contract marriage. Divorce will be granted among other reasons, for desertion of three years and for cruelty or excesses which render life together insupportable.

There is no inheritance tax on property passing to husband, wife, parents or descendants.

Women, not relatives of the owner, are prohibited from working in saloons. Children under fifteen are prohibited from working in factories or other places dangerous to life and limbs.

There is a law in Texas which punishes as vagrants parents who will not work but who depend on their minor children to work and support them.

Children between eight and fourteen must attend school.

The hours of work for females employed in laundries is limited to eleven hours a day, in textile factories to ten hours a day and when employed more than nine hours extra pay must be given.

The marriage of a female minor gives her all of the rights she would have if of age. Marriage agreements may be made before a notary and may be acknowledged by a minor, with parent or guardian's consent, and are unalterable after marriage.

## UTAH.

All property owned by husband or wife, acquired before or after marriage, is separate property and may be managed or disposed of without any marital restriction whatever. The expenses of the family and education of children is chargeable to the estate of both and neither husband or wife are liable for the debts of the other. The wife alone can recover for personal injuries she may suffer and the husband is not liable for the torts of his wife.

If husband or wife die intestate all the estate goes one-half to the surviving spouse and the other half to the child; if more than one child then the spouse takes one-third and the children the remainder. If there are no children at all the estate up to five thousand dollars in value goes to the surviving spouse, and one-half of the amount in excess of five thousand dollars goes to the survivor, and the other half to parents or descendants. In the event there are no parents or descendants the surviving spouse takes all.

The laws of Utah regulate the wages of women and minors providing the minimum wage to unskilled minor workers shall not be less than seventy-five cents a day, of skilled minor workers ninety cents a day, and experienced adults not less than one dollar and twenty-five cents a day.

Minors under fourteen are prohibited from working in any mine or smelter or other place dangerous to life or limbs or morals.

The earnings of a minor cannot be held for any debt except for his own actual necessities of life.

Utah has a Red Light Injunction and Abatement law, and is an equal suffrage State. Utah has a Mother's Pension law which gives to County Commissioners the power to apply for the relief of destitute mothers an appropriation of Ten thousand dollars a year in counties of less than one hundred thousand population, and not to exceed twenty thousand dollars in counties where the popu-

lation exceeds one hundred thousand. Ten dollars a month will be allowed for one child under fifteen years of age, and five dollars a month for each additional child; the requirement is that the mother shall be competent and best fitted for the custody of her children.

Utah has an individual Welfare Commission and the minimum wage of women and minors is fixed. The regulation surrounding working conditions, hours of labor and the age limit for employing minors is under control of the commission.

Among other grounds for which divorce will be granted are habitual drunkenness, permanent insanity, desertion of one year and conviction of a felony. A girl of fourteen may contract a valid marriage with the consent of her parents.

There is no inheritance tax on estates of less than ten thousand dollars, three per cent. on amounts from ten to twenty-five thousand, and five per cent. on amounts in excess of twenty-five thousand.

Utah gives a condemned criminal the choice of hanging or shooting.

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## VIRGINIA.

All real and personal property owned by a woman at her marriage, or which she may subsequently acquire, is her separate estate, not subject to the use, control or disposal of her husband or to liability for his debts. She may engage in trade and her husband is not liable for her torts or her debts or bargains and the proceeds of her labor or earnings go to her separate estate. She may make contracts and sue and be sued thereon. If married after March 31, 1875, the husband is not liable for the ante nuptials debts of his wife. If a husband wilfully deserts his



wife and remains away from her until her death he loses all rights in her estate.

A widow is entitled to dower and a husband to curtesy. After the right of dower and curtesy the real estate passes to children and if there are no children to kindred of common great grandparents, and if there are none then to the surviving spouse.

The father and mother are equally entitled to the guardianship of their children and to their services and earnings. The parents succeed to the estate of their children at their death.

Virginia is a Prohibition State and has a Red Light Injunction and Abatement law.

The age of consent is fourteen years and the punishment for rape is imprisonment from five to twenty years.

Among other grounds for which divorce will be granted are desertion of three years, insanity at marriage, fugitive from justice for two years, and conviction of a felony.

There is an inheritance tax on property in excess of fifteen thousand dollars up to fifty thousand dollars passing to husband, wife, child, descendant, brother or sister of one per cent., to others five per cent.

There is protection under labor laws for minors of less than sixteen from working in places dangerous to life, limbs and morals. Children less than sixteen are prohibited from working in mills, factories, workshops, mercantile establishments, etc., more than six days in the week, or for more than ten hours a day but it is expressly stipulated that the children of parents who own factories, mills, etc., are exempt from this restriction and likewise it does not apply to canneries between July and November. Women are prohibited from employment for more than ten hours a day.

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## VERMONT.

The real estate of a married woman, the rents, issues

and products thereof, and during coverture, her husband's interest in same, may be taken for debts created for necessities for the family but cannot be levied upon for the sole debts of the husband; the real estate owned at marriage or subsequently acquired, being and remaining the separate estate of the wife. All personal property acquired by a married woman during coverture or by inheritance is held to her sole and separate use. She cannot, however, dispose of her real estate unless her husband joins in the deed. When husband and wife are separated, however, she may be authorized by the court to dispose of her property without joining her husband.

The surviving wife or husband is entitled to one third of the estate, and if there are no children the whole of the estate up to \$2500, and half of the excess; if there is no kindred, the whole estate goes to the surviving spouse. The preference is given the father in the guardianship of children, and if the mother survive, then the guardianship passes to her.

Minors less than sixteen may not be employed more than nine hour a day or at night and children less than fourteen are prohibited for working in mills, factories, etc. Females less than eighteen are not permitted to be employed where continuous standing is required. Children between eight and sixteen must attend school.

Vermont will grant divorce among other grounds for desertion or continued cruelty for a period of three years, non-support and when not heard from in seven years.

There is no inheritance tax on property passing to husband, wife, child or lineal descendants.

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## WEST VIRGINIA.

West Virginia, like Louisiana, puts under the disability clause married women, minors, and persons of insane mind,

but goes farther than the Civil Code by adding also "persons in the penitentiary." There is also a specific discrimination against married women not "parents" in that the 48th Sec. of Art. 6, of the Constitution of West Virginia provides that "Any husband or parent may hold a homestead of One Thousand Dollars," and it also exempts from forced sale for judgment liens personal property to the amount of Two Hundred dollars. If the husband does not claim this exemption the wife may do so, but she must be a "parent," as well as a wife, or she cannot claim the exemption. After the death of the husband the widow "parent," or minor children, may select personal property to the value of \$200 and hold the same exempt from the debts and liabilities chargeable to the estate.

The separate property of the married woman is not subject to the control of her husband but remains "in all respects as if she were a single woman, and is in no way subject to the control of her husband nor liable for his debts." But the married woman cannot sell and convey her real estate, unless she be living separate and apart from her husband, "unless her husband join with her in the conveyance." And if a married woman, living separate and apart from her husband, convey real estate, the deed must recite the fact of her separation and there must be an acknowledgement of such separation before an official authorized to receive it and he must recite that he knows the property to be separate and that he knows the wife is living apart from her husband.

The married woman living with her husband cannot mortgage or otherwise hypothecate her separate property unless her husband join and authorize her. Nor can she carry on a business as a public merchant or form a partnership without the specific consent of her husband.

Mrs. G. McIntyre Weaver, a woman lawyer of Berkeley Springs, West Virginia, says in relation to the disabilities of the married woman: "While she can carry on any busi-

ness as a femme sole can, and her earnings are her sole and separate property free from the control of her husband, yet if she keeps boarders, does washing and kindred tasks in her home or does sewing to help out the family income, such earnings are the property of her husband and can be garnisheed for his debts."

In the case of *Humphrey vs. Spencer*, 36 West Virginia, p. 11 it was held: "A deed from a husband conveying property direct to his wife, though void at law and passing no title, is valid in equity to pass a substantial estate."

In *Cosner vs. McCune*, 40th West Virginia, 339, it was held: "Where a wife acquires real property direct from her husband she acquires only an equable estate, the legal title remaining in the husband as trustee of the estate. Where she acquires the property through a third person the Statute gives her the title to the estate."

Marriage of a female under the age of twenty one does not make her *sui juris*, and she cannot sue in proper person as can a married woman of over twenty one. Under twenty one, a married woman desiring to sue for divorce must sue in her name by her *prochein ami*. Should she be sued a guardian *ad litem* must be appointed. If a minor of less than fourteen marries without the consent of parents or guardians her estate is placed in the hands of a receiver who administers it for her until she arrives at the age of twenty one years. If the minor has a guardian appointed by a deceased father, such guardian has the full authority to give or withhold consent to the marriage of the minor, regardless of the mother. The father can appoint a guardian for his minor child or children though the mother be living. And the father, by the mere virtue of being the father, while he lives, is deemed by the law of West Virginia the proper guardian and custodian of the child or children of his marriage, while the mother, if, under certain circumstances, given the guardianship and custody of the

child, must be "a person fit for the trust." Hence it would appear that while West Virginia favors the married woman who is "a parent" in homestead rights and exemption of personal property, it stops at that. The Court declares in *Cunningham vs. Barnes*, 37 West Virginia, p. 346 "The welfare of the child is the polar star by which the discretion of the court must be guided."

Mrs. Weaver, in discussing the rights of parents says: "While under the law the father is the sole arbiter of the destiny of his minor children and entitled to their care, custody and control, yet in cases where, as in the Roman Catholic Church there is pre-nuptial contract agreeing the children shall be reared in that faith, the mother being Catholic, and the father later attempts to control the church which his children shall attend, other than the church mentioned in the contract, the court will enforce the pre-nuptial contract.

Should a widow be appointed a guardian of her children, upon her marriage again the guardianship ceases by operation of law for "No married woman can be appointed a guardian for minor children and the marriage of a female guardian terminates the trust." Chap. 66 West Virginia Code.

A very good clause in the laws of West Virginia is that which enables a woman to maintain an action for injury to her means of support from the unlawful sale of liquor to her husband. In the case of *McMaster vs. Dyer*, 44th West Virginia, p. 644, the court held "A married woman injured in her property, person or means of support by reason of unlawful sale of intoxicating liquors to a son may maintain a suit for damages, notwithstanding that her husband, the father of the son, is living."

In the case of *Duckworth vs. Stahlmaker* 63 West Virginia, p. 197, the court held:

"If a husband whose labor contributes to his wife's support, becomes intoxicated in a saloon owned by or

controlled by a licensed saloon keeper, by drinking intoxicating liquors sold him by such saloon keeper, and he is forcibly ejected from the saloon by such barkeeper and so physically injured as to become incapable and disabled from performing his usual labors the wife has a right of action against the saloon keeper for injury to her means of support.

The husband is liable for the torts of his wife and in all such actions against her the husband must be joined. A judgment rendered may be enforced against the separate property of the wife.

A widow is entitled to dower of one third of all real estate, and if the husband survive the wife he is entitled by courtesy to tenancy of any real estate owned by his wife, whether there survived children or not. The wife may insure the life of her husband for her own benefit provided the premium does not exceed One hundred and fifty dollars; she may hold in her right patents of her inventions, her separate bank account and stock in corporations.

The real and personal property of the wife at the time of her marriage or which she may become possessed of by inheritance, remains her separate property.

Minors under 14 are prohibited from working in mills, factories and workshops, or in any other business without the permission of the Superintendent of Public Schools or the Commissioner of Labor, and children between 14 and 16 who may work in the first named places must have a certificate from the school authorities. Minors under fifteen are prohibited from being employed in places dangerous to their morals or to life, limb or health.

West Virginia has a Mother's Pension Law which provides that the Overseer of the district may be appealed to by any woman with legitimate children who is unable to provide for such children. After investigation if it is found the woman's husband is dead or incapacitated or is



confined in any State institution or has abandoned his wife, such assistance will be granted the woman as may seem to insure her in the maintenance of her children, such assistance not to exceed Ten dollars a month for each child. The allowance will not be made for children of more than fourteen.

The age of consent is fourteen and the penalty for rape is death or imprisonment from five to twenty years.

West Virginia is a Prohibition State.

Among other reasons for which divorce will be granted is desertion of three years, licentiousness of either before marriage and unknown at time of marriage, or conviction of felony, and marriages may be annulled because of insanity, consanguinity, miscegenation or want of age.

Marriage may be contracted by a female of sixteen with the consent of parent or guardian.

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## WASHINGTON

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All property, real and personal, owned by the husband or wife before marriage or acquired afterward by gift, devise or descent, is separate property, and all property acquired during marriage, except by gift, devise or descent, is common property. They may dispose of their respective interests in the common property to each other. All laws which imposed civil disabilities upon the wife and not upon the husband have been abolished in the State of Washington. A wife receives and holds to her separate estate her earnings but the husband has control of other property acquired by either or both after marriage, but he cannot encumber or sell the real estate unless the wife joins.

The surviving wife or husband is entitled to half of the community property and the other half is subject to the will of the deceased. If there is no will then the half

of the community property owned by a deceased husband or wife goes to the children and if there are no children to the surviving spouse. One-half of the personal property goes to the survivor if there are children and if there are no children all personal property goes to the survivor. The parents of children are equally entitled to their guardianship and custody.

Washington has a Red Light and Abatement law, is an equal suffrage and a prohibition State. There is a Mother's Pension law which provides for the support of women who are widowed or whose husbands are inmates of penal institutions, insane asylums or totally disabled. Fifteen dollars a month will be allowed for each child less than fifteen years and five dollars a month for each additional child. The juvenile courts have jurisdiction of all applicants.

Washington has an Industrial Welfare Commission and while there is no stipulation that the Board must have women members there were three women appointed to it in 1913. It is the duty of the Commission to ascertain wage, sanitary and other conditions surrounding laboring women and minors. A minimum wage is established which must be sufficient to maintain the workers in health and surrounding conditions must be such as will be conducive to good morals.

There is no inheritance tax on estates of less than Ten thousand dollars passing to husband, wife, child, lineal descendants or parents, and above ten thousand dollars the tax is one per cent.

Divorce will be granted for abandonment for one year, non-support, incurable insanity, and cruelty.

Washington does not inflict the death penalty, imprisonment for life being the maximum sentence.

## WISCONSIN

The property, real and personal, of a wife in Wisconsin, which she owns at the time of her marriage or acquires subsequently by inheritance, gift, grant, devise or bequest from any person other than her husband, is her separate property and not subject to his disposal nor is it liable for his debts. A married woman may convey her real and personal property as if unmarried and her husband need not join in the deed. A husband cannot dispose of the homestead unless his wife joins in the deed.

The surviving wife or husband is entitled to one-half of the real and one-half of the personal property, with the homestead; and if there are no children the surviving spouse takes the entire estate to the value of \$20,000 and three-quarters of the remainder, the other one-quarter going to parents, and if there are no surviving parents, or their descendants, then all goes to the surviving spouse.

Wisconsin will grant divorce, among other grounds, for desertion of one year, conviction of a felony and incarceration for three years, habitual drunkenness, separation for five years, and non-support.

The custody of children and their guardianship goes by preference to the father and at his death to the mother, while she remains unmarried.

Wisconsin has a Red Light and Abatement law.

Aid will be granted to a woman for the support of herself and children when brought to the attention of the juvenile or county court. The sum of fifteen dollars a month will be allowed for one child and ten dollars a month for each additional child, the total not to exceed forty dollars a month.

Children between seven and fourteen must attend school and between fourteen and sixteen, if not employed. Minors less than eighteen are prohibited from working in cigar factories for more than eight hours a day. Women

are prohibited from working in places or for a number of hours or under conditions which would be prejudicial to health or morals. An Industrial Commission regulates the wages and conditions for work of women and minors with the result that Wisconsin has unusually good rules and laws for the protection of women and children.

Wisconsin does not inflict the death penalty and the maximum sentence is imprisonment for life.

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## WYOMING

The property rights of a married woman in Wyoming do not differ essentially from those of men. She may sue and be sued, make contracts, carry on business, retain and control her earnings and hold and convey property free from interference by her husband and free from liability for his debts. She may hold office and vote at elections but she is prohibited from acting as an administratrix.

The surviving spouse is entitled to the homestead and if the total estate does not exceed \$1,500 it goes to the survivor and children in indivision. If it does exceed that sum the surviving spouse is entitled to one-half and the children to one-half and if there are no children three-quarters goes to the surviving spouse and one-quarter to parents. If there are neither children or parents the surviving spouse takes all.

The guardianship of children vests equally in the father and mother.

There is a Mother's Pension law which provides aid for worthy mothers who are unable to care for their children of twenty dollars a month for one child of less than fourteen and ten dollars a month for each additional child. There are few women and children engaged in gainful occupation in Wyoming but they have protecting laws from too long hours, too small remuneration and against labor in places dangerous to life, limbs and morals.

Among other grounds for divorce in Wyoming are desertion of one year, cruelty, habitual drunkenness, non-support.

There is an exemption of Ten thousand dollars to property passing to husband, wife, child, lineal descendants, and a tax of two per cent. on amounts in excess of ten thousand dollars to these relatives.





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